

MONDAY, MAY 9, 1977



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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

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To authorize the printing and binding of an edition of Senate Procedure and providing the same shall be subject to copyright by the author. (May 4, 1977; 91 Stat. 115) Price \$.35

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Title 3—The President

Memorandum of May 4, 1977

Decision on Sugar Under Section 202(b) of the Trade Act of 1974

-Memorandum for the Special Representative for Trade Negotiations

THE WHITE HOUSE,
Washington, May 4, 1977.

Pursuant to Section 202(b) of the Trade Act of 1974 19 U.S.C. 1330, 88 Stat. 2014, I have determined the action that I will take with respect to the report of the U.S. International Trade Commission on the results of its investigation regarding sugar, dated March 17, 1977. This investigation was undertaken at the request of the Senate Finance Committee.

I have determined that import relief for sugar is not in the national economic interest. Import relief, achieved either through quotas or tariff increases, would have an inflationary impact on the economy, raising prices to consumers without the promise of offsetting price stabilization benefits. Import relief would be of questionable benefit to the domestic sugar industry, because it would encourage increased market penetration by substitute sweeteners, particularly high-fructose corn syrup which can be produced at a lower cost than most U.S. sugar. Finally, import relief would adversely affect the export earnings of a large number of developing countries which depend on sugar exports for their economic growth and prosperity.

I firmly believe that it is important to maintain a viable domestic sugar industry in this country. I have therefore requested the Secretary of Agriculture to institute an income support program for sugar producers, effective with the 1977 crop, offering supplemental payments of up to 2 cents per pound, whenever the market price falls beneath 13.5 cents a pound. Such a program will help cover the costs of production of U.S. sugar producers, pending the negotiation of an International Sugar Agreement (ISA).

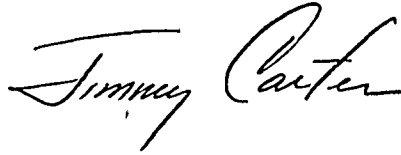
THE PRESIDENT

The United States has made a strong commitment to the negotiation of an ISA, which, if successful, will provide some long-term assurance of greater stability of world sugar prices and supplies. The successful negotiation and implementation of an ISA would render unnecessary further consideration of unilateral measures by the United States.

Finally, I am asking you to continue to follow the sugar import situation closely and, in consultation with the Secretary of Agriculture, to advise me with respect to any need for consideration of further actions.

I have also concurred with the determination by the Trade Policy Staff Committee that sugar will remain eligible for duty-free treatment under the Generalized System of Preferences (GSP).

This determination shall be published in the FEDERAL REGISTER.



[FR Doc.77-13367 Filed 5-6-77;10:48 am]

EDITORIAL NOTE: A White House announcement of May 4, 1977, on the President's decisions on sugar imports and income supports, and the text of the President's letters to the Speaker of the House and to the President of the Senate, dated May 4, 1977, and the accompanying report on his decisions, are printed in the Weekly Compilation of Presidential Documents (vol. 13, no. 19).

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Miscellaneous Amendments; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Correction of final rule.

SUMMARY: This notice corrects an earlier FEDERAL REGISTER notice published on April 18, 1977, by deleting, modifying and renumbering certain statement numbers.

EFFECTIVE DATE: May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Ira Dinitz, Antitrust and Indemnity Group, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301-443-6961).

SUPPLEMENTARY INFORMATION: On page 20142, second column of the notice published on April 18, 1977, statement numbers 29 and 30 should be deleted and number 31 should be renumbered as 29 to read as follows:

29. Section 140.108, Appendix H, Article II, paragraph 6, is amended by changing the amount "\$125,000,000" to "an amount equal to the sum of \$140,000,000 and the amount available as secondary financial protection."

Also, number 32 should be renumbered as number 30.

Dated at Washington, D.C., this 5th day of May 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 77-13208 Filed 5-6-77; 8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Stripper Well Property Exemption

AGENCY: Federal Energy Administration.

ACTION: Ruling.

SUMMARY: The appended Ruling is issued by the FEA Office of General Counsel pursuant to 10 CFR 205.150 to set forth FEA's determination as to certain issues that have arisen with respect to the proper application of the stripper

well lease exemption (10 CFR 205.32, from January 1, 1974 to January 31, 1976), the stripper well property rule (10 CFR 212.74, from February 1, 1976 to August 31, 1976), and the stripper well property exemption (10 CFR 212.54, from September 1, 1976 forward). A written comment on or objection to the appended Ruling may be filed at any time with the FEA Office of General Counsel pursuant to the provisions of 10 CFR 205.153.

DATES: Not applicable.

FOR FURTHER INFORMATION CONTACT:

William Carson (Office of Regulatory Programs), 2000 M Street, NW., Room 2310, Washington, D.C. 20461, 202-254-7477.

Everard A. Marseglia, Jr. (Office of General Counsel), 12th & Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, 202-566-9567.

[Ruling 1977-6]

APPLICABILITY OF THE STRIPPER WELL PROPERTY EXEMPTION TO PROPERTIES THAT PRODUCE BOTH CRUDE OIL AND CONDENSATE RECOVERED IN NON-ASSOCIATED PRODUCTION

Facts: Property A consists of five wells. Three of the wells on Property A each produced crude oil and condensate during the preceding 12 months. One well on property A produced condensate in non-associated production (condensate only and no crude oil) during the preceding 12 months. One well on property A produced only natural gas with no crude oil or condensate. All wells on the property have been maintained at the maximum feasible rate of production and in accordance with recognized conservation practices, and not significantly curtailed by reason of mechanical failure or other disruption in production.

Issues: A. For purposes of the stripper well property exemption, how does the producer compute the average daily production of property A for the preceding 12 months?

B. How does the producer determine the maximum price permitted under FEA price regulations for the crude oil and condensates produced and sold from property A?

Ruling: The stripper well property exemption is contained in 10 CFR 212.54 (a) which provides,

(a) Prices charged in the first sale of crude oil (excluding condensate recovered in non-associated production), produced and sold from any stripper well property are exempt from the provisions of this part. (Emphasis added.)

In § 212.54(c), a "stripper well property" is defined as

A "property" whose average daily production of crude oil (excluding condensate recovered in non-associated production) per well did not exceed 10 barrels per day during any preceding consecutive 12-month period beginning after December 31, 1972. (Emphasis added.)

"Average daily production" is defined in turn as the qualified maximum total production of crude oil (excluding condensate recovered in non-associated production) produced from a property, divided by a number equal to the number of days in the 12-month qualifying period times the number of wells that produced crude oil (excluding condensate recovered in non-associated production) from that property in that 12-month period. To qualify as maximum total production, each well on the property must have been maintained at the maximum feasible rate of production throughout the 12-month qualifying period and in accordance with recognized conservation practices, and not significantly curtailed by reason of mechanical failure or other disruption in production. (Emphasis added.)

Written mathematically, "average daily production" may be expressed as follows:

$$A = \frac{Q}{D \times W}$$

Where:

A=Average daily production of crude oil excluding condensate recovered in non-associated production.

Q=Qualified maximum total production of crude oil, excluding condensate recovered in non-associated production, produced from the property during the measuring 12-month period.

D=Number of days in the measuring 12-month period. (Always either 365 or 366.)

W=Number of wells that produced crude oil, excluding condensate recovered in non-associated production, from the property during the measuring 12-month period.

Accordingly, in calculating a property's average daily production to determine whether the property has qualified as a stripper well property, a producer may not include wells that did not produce crude oil during the measuring 12-month period, i.e., wells that produced only condensate in non-associated production or wells that produced only natural gas. (See FEA Ruling 1974-28, 39 FR 44414, December 24, 1974. See also 40 FR 40818, September 4, 1975.) In FEA Ruling 1977-2 (42 FR 4409, January 25, 1977) FEA addressed the distinction between "associated" and "non-associated" production for purposes of the stripper well property exemption, setting forth objective criteria to be used in determining if a particular well (regardless of its classification by any other governmental authority) produces crude oil.

To the extent that a property was comprised during the measuring 12-month period both of wells that produced crude oil and wells that produced only natural gas or that produced only condensate in non-associated production, the first step is to determine the average daily production of only the wells that produced crude oil. That is to say, the qualified maximum total production of only the wells that produced crude oil should be divided only by a number equal to the number of wells that produced crude oil¹ times the number of days in the measuring 12-month period. If such calculation results in an average daily production of more than 10 barrels per well per day, the property has not qualified as a stripper well property, and production from the entire property is subject to the ceiling price limitations of Subpart D, without regard to whether the production is from wells that produce crude oil or wells that produce only condensate in non-associated production.

If, on the other hand, such calculation results in an average daily production of 10 barrels or less per well per day, the property has qualified as a stripper well property. However, pursuant to § 212.54 (a), prices charged only in the first sale of crude oil, excluding condensate recovered in non-associated production, produced and sold from a stripper well property are exempt from the provisions of Part 212. Therefore, prices charged in the first sale of crude oil and condensate produced only from the wells that currently produce crude oil are exempt. Condensate produced from any well on the property which does not in any month produce crude oil (i.e., condensate recovered in non-associated production), however, is subject to the ceiling price limitations of Subpart D. Therefore, condensate recovered in non-associated production from these wells must be sold pursuant to the lower tier ceiling price rule unless such volumes qualify as new crude oil.

Whether such condensate recovered in non-associated production is properly characterized as new crude oil must be determined with reference to the base production control level for the entire property. However, if crude oil produced and sold from the property is exempt as stripper well crude oil, a recalculation of the BPCL must be done to exclude volumes of crude oil and associated condensate produced and sold from the property's oil wells. If, and only if, current monthly production of non-associated condensate exceeds the property's recalculated BPCL, such condensate may be characterized as "new crude oil." Otherwise, such condensate recovered currently in non-associated production must be sold as "old crude oil" subject to the lower tier ceiling price rule.

FEA recognizes that producers have not in all instances provided sophisti-

cated techniques for the separate measurement of associated and non-associated condensate produced from the same property. Accordingly, it may be necessary—where production of crude oil and associated condensate is commingled with production of non-associated condensate into a common facility—to estimate current or historic production volumes in order to determine which volumes should be included for purposes of the calculations discussed in this Ruling. In this regard, FEA will recognize reasonable estimates made by a producer where such estimates are based upon generally accepted production accounting methods.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

APRIL 30, 1977.

[FR Doc. 77-13197 Filed 5-5-77; 10:35 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-EA-100; Amdt. 39-2891]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule requires that holes be drilled in the gas cap of certain Piper Aircraft to allow venting and preclude fuel starvation in certain PA-11, PA-12, PA-14, PA-18, PA-20 and PA-22 airplanes.

EFFECTIVE DATE: May 12, 1977. Compliance is required within 10 hours in service after the effective date.

ADDRESSES: Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT:

P. Perrotta, Propulsion Section, AEA-214, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, 212-995-2894.

SUPPLEMENTARY INFORMATION: There have been reports of fuel tank collapse and fuel starvation because of improper installation of the tank filler neck rubber seal. The directive requires drilling two holes which will insure positive venting even though other vent passages may be blocked.

Since the foregoing affects air safety, notice and public procedure hereon are impractical and good cause exists for making the directive effective in less than 30 days.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

DRAFTING INFORMATION

The principal authors of this document are P. Perrotta, Flight Standards Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

¹In accordance with FEA Ruling 1975-12 (40 FR 40828, September 4, 1975), an adjustment to each well will have to be made to the extent that production of crude oil from the well was significantly curtailed or disrupted during the measuring 12-month period.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective May 12, 1977, as follows:

PROPOSED ADOPTED RULE AD

PIPER. Applies to all series PA-11, PA-12, PA-14, PA-18, PA-20, and PA-22 type aircraft.

Compliance required within 10 hours in service after effective date of this AD unless already accompanied.

In order to prevent fuel starvation due to obstructed venting around the fuel tank filler cap, accomplished the following:

a. On those aircraft incorporating P/N 15296-02 fuel filler caps which were made available in June 1976, remove each cap from

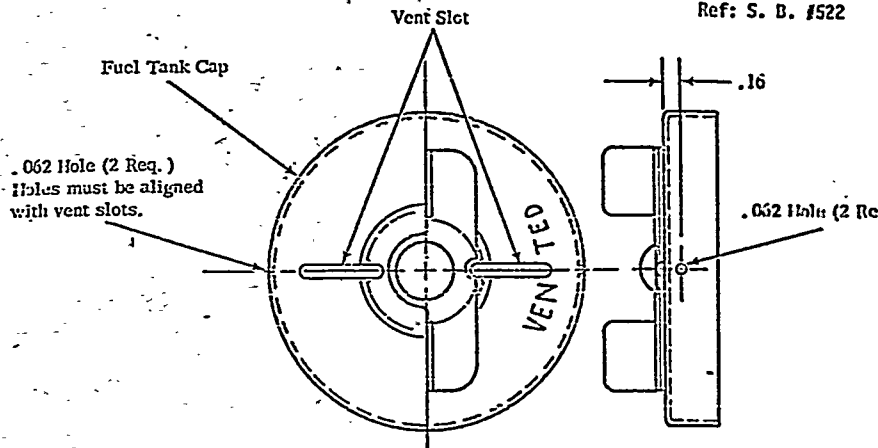
the wing tanks and alter the caps by drilling two .062" diameter holes 180° apart on the outer edge surface .16" down from the top of the cap. Holes must be aligned with vent slots as shown. Accomplish this alteration on all P/N 15296-02 filler caps or replace these caps with original vented caps and gaskets as listed in the appropriate Piper parts catalog.

b. Inspect the rubber seal around the fuel tank inlet filler neck to determine if seal was installed inverted or is properly installed as shown. If seal is not installed correctly, remove the fuel tank cover from wing, reposition the seal as shown and reinstall fuel tank cover.

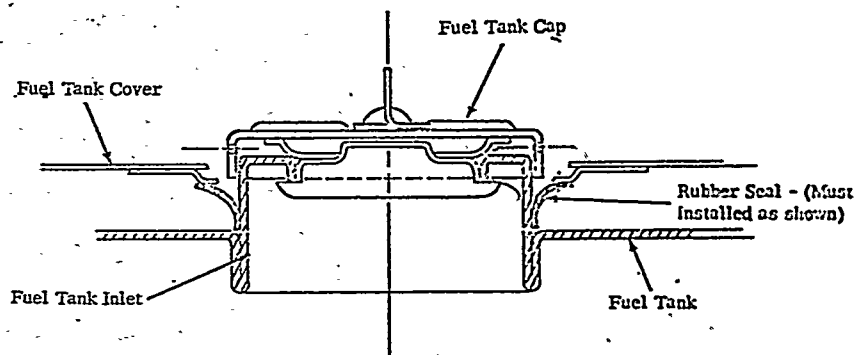
c. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(Piper Service Bulletin No. 552 pertains to this subject.)

Ref: S. B. #522



VIEW OF FUEL TANK CAP - P/N 15296-02



CROSS SECTION OF FUEL TANK INLET AND RUBBER SEAL.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended 49 U.S.C. 313(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of a Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on April 28, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc.77-13034 Filed 5-6-77;8:45 am]

[Docket No. 77-EA-21; Amdt. 39-2892]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule (AD) requires a modification of the electric trim switch so as to preclude it from failing to return to a neutral position, as installed in certain PA-23, PA-24, PA-30, PA-31 and PA-39 airplanes.

EFFECTIVE DATE: May 12, 1977. Compliance requires the alteration within 100 hours in service.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT:

William J. White, Systems and Equipment Section, AEA-213, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, 212-995-3372.

SUPPLEMENTARY INFORMATION: There had been reports that the electric trim switch tended to hang up and fail to return to the neutral position. It has been determined that the deficiency results from switch springs which contain an excessive number of coils. These springs can become caught between a rocker actuator and the micro-switch body preventing a return to neutral. Since this is a deficiency which exists in similar type design airplanes, an airworthiness directive is being issued which will require alteration of the switch. As this deficiency affects air safety, notice and public procedure hereon are impractical and good cause exists for making the rule effective in less than 30 days.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

DRAFTING INFORMATION

The principal authors of this document are William J. White, Flight Standards Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective May 12, 1977, as follows:

PIPER AIRCRAFT CORP. Applies to models:

PA-23-250 (6 place), S/Nos. 27-3837, 27-3944 to 27-4786 inclusive.

PA-24-260, S/Nos. 24-4783, 24-4804 to 24-5047 inclusive.

PA-30, S/Nos. 30-1717, 30-1745 to 30-2000 inclusive.

PA-31 and 31-300, S/Nos. 31-2 to 31-797 inclusive.

PA-31-350, S/Nos. 31-5001 to 31-5004 inclusive.

PA-31P, S/Nos. 31P-1 to 31P-109 inclusive.

PA-39, S/Nos. 39-1 to 39-155 inclusive.

Compliance required within the next 100 hours in service after the effective date of this AD, unless already accomplished.

(a) Modify the electric trim switch in accordance with instruction paragraph of Piper Service Bulletin No. 527, dated November 5, 1976, or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Upon request with substantiating data submitted through an FAA Maintenance Inspector, the compliance time specified in this AD may be adjusted by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended 49 U.S.C. 313(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on April 28, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc.77-13035 Filed 5-6-77;8:45 am]

[Docket No. 77-GL-10; Amdt. 39-2889]

PART 39—AIRWORTHINESS DIRECTIVES

Petrol Diesel Allison Model 250-C20/C20B/C20C and 250-B17/B17B Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This airworthiness directive (AD) action requires the installation of a strainer assembly on the upstream side of the bleed valve compressor discharge exit nozzle. This strainer prevents blockage of the discharge exit nozzle with particles from a delaminated bleed valve diaphragm. Blockage of the discharge exit nozzle can result in a power reduction below that necessary to sustain flight.

DATE: Effective date: May 11, 1977.
Compliance date: Compliance required within the next 30 calendar days after the effective date of this AD.

ADDRESSES: Copies of Detroit Diesel Allison Commercial Engine Bulletin Number 1116/1071 may be obtained by contacting: Detroit Diesel Allison, Division of General Motors Corp., P.O. Box 894, Indianapolis, Indiana 46206.

FOR FURTHER INFORMATION CONTACT:

William Ashworth, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Illinois 60018, telephone 312-694-4500 extension 308.

SUPPLEMENTARY INFORMATION: There recently have been several instances where the compressor bleed valve on 250/C20/C20B engines failed to open when power was reduced. As a result, compressor surge occurred causing a power reduction below that necessary to sustain flight.

Investigations revealed that, in each instance, a small piece of the rubber coating of the valve diaphragm had separated from the base fabric of the diaphragm and lodged in the inner end of the bleed valve exit nozzle. With the exit nozzle plugged, the valve will remain closed under all operating conditions.

Since this condition is likely to exist or develop in other engines of this type design including the 250-B17/B17B engine, an Airworthiness Directive is being issued to install a strainer assembly on the upstream side of the exit nozzle.

The 30 day compliance time for the modification has been established by the agency on the basis of safety considerations. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with a minimum burden. To prescribe the modification required by this AD under the usual notice and public procedures followed by the agency within the time the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the modification required by this AD. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the modification required by this AD within the time the agency has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective 30 days after publication in the FEDERAL REGISTER. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, 2300 E. Devon Avenue, Des Plaines, Illinois 60018. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in the light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, we have determined that the expected impact of this final regulation is so minimal that it does not warrant an evaluation.

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

DETROIT DIESEL ALLISON. Applies to 250-C20, C20B, C20C, B17, B17B engines.

Compliance required within the next 30 calendar days after the effective date of this AD, unless already accomplished.

To prevent engine power loss resulting from bleed valve diaphragm failure, accomplish the following:

Clip lockwire and remove the exit nozzle P/N 6874818 from the bleed valve cover. Using a small screwdriver, install strainer assembly P/N 6896347 in the valve cover exit port until it is fully seated. Install the exit nozzle in the bleed valve cover. Tighten to 35-45 lb. in. Caution: Do Not Exceed 45 lb. in.; Overtightening May Damage the Strainer. Approximately 2-3 threads of the exit nozzle will be visible when the strainer assembly is seated fully in the bleed valve. If more than three threads are visible this modification must not be accomplished and bleed valve must be removed for overhaul.

To clear the bleed valve cover passages of burrs and other particles, again remove the exit nozzle and strainer assembly from the valve cover. With the throttle at IDLE OUT OFF, motor the engine in excess of 10 percent rpm.

Using a small screwdriver, reinstall the strainer assembly in the valve cover exit port until it is fully seated. Reinstall the exit nozzle in the bleed valve cover. Tighten to 35-45 lb. in. Caution: Do Not Exceed 45 lb. in.; Overtightening May Damage the Strainer. Approximately 2-3 threads of the exit nozzle will be visible when the strainer is fully seated in the bleed valve. Secure the exit nozzle with lockwire. (Detroit Diesel Allison Commercial Engine Bulletins No. 1116 for the 250-C20 series and No. 1071 for the 250-B17 series engines also pertain to this subject.)

This amendment becomes effective May 11, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

The principal authors of this document are Mr. W. Ashworth, Engineering and Manufacturing Branch, and Mr. J. K. McLaughlin, Office of the Regional Counsel, Great Lakes.

Issued in Des Plaines, Ill., on April 27, 1977.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.77-13184 Filed 5-6-77;8:45 am]

[Docket No. 77-GL-9; Amdt. 39-2884]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom Model F28 and F28A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This airworthiness directive (AD) amends AD 72-4-4 to remove the repetitive inspection of the stabilizer spars when the original spars consisting of a .035 inch wall thickness have been replaced with a .049 inch thick spar. Service experience has demonstrated that an increase in spar wall thickness eliminated the previous spar tube cracking problem.

DATE: Effective date: May 10, 1977.
Compliance date: Initial compliance required at the next inspection accomplished in accordance with AD 72-4-4.

FOR FURTHER INFORMATION CONTACT:

Joseph Snitkoff, Engineering and Manufacturing Branch, Flight Standards Division, AGL-212, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone 312-694-4500, extension 424.

SUPPLEMENTARY INFORMATION: AD 72-4-4 requires a 100 hour repetitive inspection of the horizontal stabilizer spar for cracks in the area of the drilled holes. A design change has been made to increase the spar thickness from .035 inch to .049 inch wall thickness to eliminate spar tube cracking. As a result of service experience, the FAA has determined that the increase in spar wall thickness has eliminated the cracking. Therefore, the AD is being amended to provide for relief from the 100 hour repetitive inspection requirements after the .049 inch wall thickness spar has been installed.

Since the amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and this amendment may be made effective in less than 30 days.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, we have determined that the expected impact of this final regulation is so minimal that it does not warrant an evaluation.

Accordingly, and pursuant to the authority delegated to me by the Administrator § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) Amendment 39-1395 (37 F.R. 137), AD 72-4-4 is amended by adding the following new paragraphs:

(D) If no cracks are found, measure the wall thickness of horizontal stabilizer spar tube using a tube micrometer. Determine if the spar tube thickness measures .035±.005 inch or .049±.005.

(E) A log book entry shall be made as to the wall thickness of the spar tube.

(F) Spars that measure .049 inch ±.005 inch wall thickness do not require the 100 hour interval repetitive inspection specified by this AD.

(G) The 100 hour repetitive inspection specified in this AD is not required when the spars that measure .035 inch ±.005 inch are replaced with .049 inch ±.005 inch spars of the same part number.

NOTE.—Upon replacement of a horizontal stabilizer spar tube comply with paragraphs D and E.

This amendment becomes effective May 10, 1977.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

The principal authors of this document are Mr. Joseph Snitkoff, Flight Standards Division, and Mr. Joseph T. Brennan, Office of the Regional Counsel, Great Lakes Region.

Issued in Des Plaines, Ill., on April 25, 1977.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.77-13158 Filed 5-6-77;8:45 am]

[Airspace Docket No. 77-RM-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Establishment of Transition Area

Correction

In FR Doc. 77-9855, appearing on page 17868 of the issue for Monday, April 4, 1977, the descriptions of the Greenwood Village, Colorado control zone and transition area were omitted, and should read as follows:

In § 71.171 (42 FR 355) amend the description of the Greenwood Village, Colorado, control zone as follows:

That airspace within a 5 mile radius of the Arapahoe County Airport (latitude 39°34' 28" N., longitude 104°51'02" W.) and within 2.07 miles each side of the Arapahoe ILS localizer south course extending from the 5 mile radius zone to 6.5 miles south of the airport, excluding that airspace within the Denver, Colorado, control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airmen's Information Manual.

In § 71.181 (42 FR 440) add the following transition area for Greenwood Village, Colorado:

That airspace extending upward from 700 feet above the surface within 9.5 miles east and 4.5 miles west of the Arapahoe ILS south localizer course runway 34R, extending from the Castle LOM (latitude 39°27'08" N., longitude 104°50'43" W.) to 18.5 miles south of the LOM, excluding that portion which overlies the Denver, Colorado, transition area.

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T. D. 77-127]

PART 159—LIQUIDATION OF DUTIES

Sugar Content of Certain Articles From Australia

AGENCY: United States Customs Service, Treasury.

ACTION: New amounts of countervailing duty determined.

SUMMARY: This notice is to inform the public of the amounts of countervailing duty which will be assessed on the sugar content of certain articles exported from Australia during the period July 1976 through December 1976. Section 159.47 (f) of the Customs Regulations is being amended to include this notice.

EFFECTIVE DATE: This notice will be effective May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Nyschot, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. (202-566-5492).

SUPPLEMENTARY INFORMATION: The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), on the exportation during the period July 1976 through December 1976, of approved fruit products and other approved products manufactured or produced in Australia are the amounts shown in the following table. The amounts shown are in Australian dollars, per 1,000 kilograms of sugar content.

Month	Approved fruit products	Other approved products
July 1976.....	Nil.....	Nil.....
August 1976.....	Nil.....	Nil.....
September 1976.....	Nil.....	Nil.....
October 1976.....	Nil.....	Nil.....
November 1976.....	Nil.....	Ans. \$7.50.
December 1976.....	Nil.....	Nil.....

The net amounts of bounties or grants on the above-described merchandise are hereby ascertained, determined, or estimated to be the rates stated in the above table. Additional duties on the above-described merchandise, whether imported directly or indirectly from that country, equal to the net amounts of the bounty shown above shall be assessed and collected pursuant to section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)), under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 75-54, and (2) by adding a reference to this Treasury Decision. As amended, the last four lines of the table under this commodity will read:

Country	Commodity	Treasury decision	Action.
		55716	Certain articles exempted as to shipments exported on or after July 19, 1962.
		76-167	New rate.
		76-214	Do.
		77-127	Do.

(R.S. 251, as amended, secs. 303, 624, 46 Stat. 687, as amended, 759 (19 U.S.C. 66, 1303, 1624).)

VERNON D. ACREE,
Commissioner of Customs.

Approved:

JOHN H. HARPER,
Acting Assistant Secretary of
the Treasury.

APRIL 27, 1977.

[FR Doc.77-13002 Filed 5-6-77;8:45 am]

Title 28—Judicial Administration
CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 716-77]

PART 16—PRODUCTION OR DISCLOSURE
OF INFORMATION

Exemption of Systems of Records Under
the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This regulation exempts a system of records maintained by the U.S. Attorneys Offices, the Pre-Trial Diversion Program Files, published as JUSTICE/USA-015, from certain provisions of the Privacy Act. This new system of records contains information on individuals who are diverted from criminal justice process. The system of records can be exempted because the information in it relates to law enforcement activity.

EFFECTIVE DATE: April 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry L. Gastley, Administrative Counsel, Office of Management and Finance, Department of Justice, Washington, D.C. 20530 (202-739-5361).

SUPPLEMENTARY INFORMATION: On January 27, 1977, the Department of Justice published in the FEDERAL REGISTER a proposed regulation exempting this system of records from certain provisions of the Privacy Act (42 FR 5104-5105). No comments were received on the proposed regulation.

By virtue of the authority vested in me by 5 U.S.C. 552a (j) and (k), the proposed amendment to § 16.81 of Subpart E of Part 16 of Title 28, Code of Federal Regulations, published in the FEDERAL REGISTER on January 27, 1977 (42 FR 5104-5105) is adopted without change as set forth below.

Dated: April 25, 1977.

GRIFFIN B. BELL,
Attorney General.

§ 16.81 Exemption of U.S. Attorneys Systems—Limited access, as indicated.

(a) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (1), (2) and (3), (e) (4) (G) and (H), (e) (5) and (8), (f), (g) and (h):

(9) Pre-Trial Diversion Program Files (JUSTICE/USA-015)

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j) and (k).

(b) Exemption from the particular subsections are justified for the following reasons:

(1) From subsection (c) (3) because the release of the disclosure accounting uses published for these systems would permit the subject of a criminal investigation and/or civil case or matter under investigation, litigation, regulatory or

administrative review or action, to obtain valuable information concerning the nature of that investigation, case or matter and present a serious impediment to law enforcement or civil legal activities.

(2) From subsection (c) (4) since an exemption is being claimed for subsection (d), this subsection will not be applicable.

(3) From subsection (d) because access to the records contained in these systems would inform the subject of criminal investigation and/or civil investigation, matter or case of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection, apprehension or legal obligations, and present a serious impediment to law enforcement and other civil remedies.

(4) From subsection (e) (1) because in the course of criminal investigations and/or civil investigations, cases or matters, the United States Attorneys often obtain information concerning the violation of laws or civil obligations other than those relating to an active case or matter. In the interests of effective law enforcement and civil litigation, it is necessary that the United States Attorneys retain this information since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought within the United States Attorneys' offices.

(5) From subsection (e) (2) because in a criminal investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection, apprehension or legal obligations and duties.

(6) From subsection (e) (3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e) (3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(7) From subsections (e) (4) (G) and (H) because these systems of records are exempt from individual access pursuant to subsections (j) and (k) of the Privacy Act of 1974.

(8) From subsection (e) (5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e) (5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on

investigations and impede the development of intelligence necessary for effective law enforcement.

(9) From subsection (e) (8) because the individual notice requirements of subsection (e) (8) could present a serious impediment to law enforcement as this could interfere with the United States Attorneys' ability to issue subpoenas and could reveal investigative techniques and procedures.

(10) From subsection (f) because these systems of records have been exempted from the access provisions of subsection (d).

(11) From subsections (g) and (h) compiled for law enforcement purposes because these systems of records are and have been exempted from the access provisions of subsections (d) and (f).

[FR Doc. 77-13142 Filed 5-6-77; 8:45 am]

Title 33—Navigation and Navigable Waters
CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION

[CGD 76-124]

PART 1—GENERAL PROVISIONS

Fees and Charges for Certain Records and for Duplicate Documents, Certificates, or Licenses

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations for the performance of service free of charge for making copies or excerpts of records, and for issuing certain duplicate documents, certificates, or licenses. Existing Coast Guard regulations duplicate or are in conflict with Department of Transportation regulations. This regulation eliminates the conflicts and this will eliminate confusion.

EFFECTIVE DATE: This regulation shall become effective on June 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: On September 2, 1976, there was published in the FEDERAL REGISTER (41 FR 37118) a notice of proposed rulemaking concerning this amendment. Interested parties were given the opportunity to submit, not later than October 18, 1976, comments, suggestions or objections regarding the proposed regulations. No comments have been received.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Lieutenant Anthony Regalbutto, Project Manager, and Mr. Michael Mervin, Project Attorney.

The proposed regulations are hereby adopted without change as set forth below.

NOTE: The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: April 25, 1977.

O. W. SILER,
Admiral, United States
Coast Guard Commandant.

In consideration of the foregoing, Part 1 of Title 33 of the Code of Federal Regulations is amended by revising § 1.25-30(b) to read as follows:

§ 1.25-30 Exceptions.

- (b) * * *
- (1) A person who donated the original document.
- (2) A person who has an official, voluntary or cooperative relationship to the Coast Guard in rendering services promoting safety of life and property.
- (3) Any agency, corporation or branch of the Federal Government.
- (4) A person found guilty by an administrative law judge receives one copy of the transcript of the hearing if he—
- (i) Files a notice of appeal, under 46 CFR 5.30-1; and
- (ii) Requests a copy of the transcript.
- (5) A person who has been required to furnish personal documents retained by the Coast Guard.
- (6) For other exceptions see 49 CFR 7.97.

(5 U.S.C. 552, 14 U.S.C. 632, 633, 31 U.S.C. 483a, 49 U.S.C. 1655(b) (1); 49 CFR 1.46(b))

[FR Doc.77-13150 Filed 5-6-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR amdt. 177]

PART 1-1—GENERAL

PART 1-14—INSPECTION AND ACCEPTANCE

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment of the Federal Procurement Regulations (FPR) requires the contracting officers of agencies to notify the appropriate regional office of the Small Business Administration (SBA) when it is determined that a small business concern is not responsible for reasons other than deficiencies in capacity or credit. The change involved is based on a decision (B-187168, January 12, 1977) of the Comptroller General.

Prior to this amendment, the FPR permitted the notification to be forwarded either to the regional office of the SBA or to the SBA representative assigned to the Government agency which is concerned with the procurement action.

The Comptroller General's decision involved a case where the required notice was forwarded by the contracting officer

to the SBA representative at the agency. In this case, the SBA representative took no action. The regional office of SBA which had jurisdiction over the matter did not become aware of the case until nearly 1 month later and objected to its representative's nonaction. GAO's response to a protest by one of the unsuccessful bidders was that there was no action which it could take. However, the referenced GAO decision recommended that the FPR be amended.

In connection with the development of this amendment, the matter of the notification was discussed with SBA officials. These officials requested that only one notification be forwarded to SBA and that the notification go to the appropriate SBA regional office. This amendment reflects that request. In addition, the amendment provides that a copy of the contracting agency's notification be forwarded to an appropriate official concerned with small business affairs inside the agency in accordance with the agency's procedures.

The amendment prescribes the change in paragraph (a) (5) (i) of § 1-1.708-2 of the FPR. The amendment also includes an address change in § 1-14.103-3(c).

EFFECTIVE DATE: June 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations, 703-557-8947.

Subpart 1-1.7—Small Business Concerns

Section 1-1.708-2 is amended to revise paragraph (a) (5) (i) as follows:

§ 1-1.708-2 Applicability and procedure.

(a) * * *

(5) * * *

(i) Prior to submission of the contracting officer's determination of nonresponsibility to the head of the procuring activity or his designee for approval, the contracting officer shall transmit a copy of the documentation supporting the determination that a small business concern is not responsible, for reasons other than capacity or credit, to the appropriate SBA Regional Office and to the appropriate agency official concerned with small business affairs in accordance with agency procedures.

Subpart 1-14.1—Inspection

Section 1-14.103-3 is amended to revise paragraph (c) as follows:

§ 1-14.103-3 Inspection services available from Federal agencies.

(c) *Directory of U.S. Government Inspection Services and Testing Laboratories.* The "Directory of U.S. Government Inspection Services and Testing Laboratories," issued by the General Services Administration, contains pertinent information concerning the major inspection offices and testing laboratories of the Federal Government. It should be used by all Federal agencies

when requiring inspection services. The Directory will be helpful in determining the facility best equipped, staffed, and geographically located to perform the desired services most economically. Copies of the Directory are available to Federal agencies upon request to the General Services Administration (FMQF), Washington, D.C. 20406. Copies of the Directory may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

NOTE:—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Dated: April 20, 1977.

ROBERT T. GRIFFIN,
Acting Administrator
of General Services.

[FR Doc.77-12949 Filed 5-6-77;8:45 am]

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temp. Reg. No. 30]

PART 9-7—CONTRACT CLAUSES

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

AGENCY: Energy Research and Development Administration.

ACTION: Temporary Regulation No. 30.

SUMMARY: To implement certain provisions of the Employee Retirement Income Security Act of 1974, parts of the ERDA Procurement Regulations need to be changed. This temporary regulation makes the necessary changes to the cost principles and it applies to those contracts and subcontracts subject to the provisions of the cited regulations.

DATES: Effective date: This regulation becomes effective on May 9, 1977.

ADDRESSES: H. B. Goodwin, Office of the Controller, Rm. D-420, USERDA, Washington, D.C. 20545 (301-353-3147).

FOR FURTHER INFORMATION CONTACT:

H. B. Goodwin (301-353-3147).

SUPPLEMENTARY INFORMATION: Expiration date: This regulation will remain in effect until canceled or until its provisions are incorporated into a permanent ERDA procurement regulation.

(a) Amend Subpart 9-7.50, by renumbering § 9-7.5006-9(d) (14), (15), (16), and (17) to § 9-7.5006-9(d) (15), (16), (17), and (18); adding paragraphs (d) (14) and (e) (29) and revising (d) (13) and (e) (24) in § 9-7.5006-9; adding paragraphs (d) (19) and (e) (26) and revising paragraph (e) (23) in § 9-7.5006-10; renumbering § 9-7.5006-12(e) (24), (25) and (26) to § 9-7.5006-12(e) (25), (26) and (27); and, adding paragraph (d) (21), (e) (24) and revising (e) (21) and (e) (23) in § 9-7.5006-12 as follows:

Subpart 9-7.50—Use of Standard Clauses

§ 9-7.5006-9 Allowable costs and fixed fee (CPFF operating and construction contracts).

(d) * * *

(13) Utility services, including electricity, gas, water, steam, and sewerage.

(14) Indemnification of the Pension Benefit Guaranty Corporation pursuant to the Employee Retirement Income Security Act of 1974, in accordance with § 9-15.205-6.

The following additional example of items is for use in contracts for the operation of ERDA-owned facilities. Additional items for construction contracts are included under subparagraphs (16), (17) and (18) of this paragraph.

(e) * * *

(24) Taxes, fees, and charges in connection with financing, refinancing, or refunding operations, including the listing of securities on exchanges, taxes which are paid contrary to the clause entitled "State and local taxes," taxes on net income and excess profits, special assessments on land which represent capital improvement, and taxes on accumulated funding deficiencies of, or prohibited transactions involving, employee deferred compensation plans pursuant to Section 4971 or Section 4975 of the Internal Revenue Code of 1954, as amended, respectively.

(29) Late premium payment charges related to employee deferred compensation plan insurance, in accordance with § 9-15.205-16.

§ 9-7.5006-10 Allowable costs and fixed fee (supply contracts and research and development contracts with concerns other than educational institutions).

(d) * * *

(19) Indemnification of the Pension Benefit Guaranty Corporation pursuant to the Employee Retirement Income Security Act of 1974, in accordance with § 9-15.205-6, notwithstanding the provisions of § 9-7.5006-10(e) (15) (i).

(e) * * *

(23) Taxes, fees, and charges in connection with financing, refinancing or refunding operations, including the listing of securities on exchanges; taxes which are paid contrary to the clause entitled "State and local taxes"; Federal taxes on net income and excess profits; special assessments on land which represent capital improvement and taxes on accumulated funding deficiencies of, or prohibited transactions involving, employee deferred compensation plans pursuant to section 4971 or section 4975 of the Internal Revenue Code of 1954, as amended, respectively.

(26) Late premium payment charges related to employee deferred compensation plan insurance, in accordance with § 9-15.205-16.

§ 9-7.5006-12 Allowable costs and fixed fee (architect-engineer contracts).

(d) * * *

(21) Indemnification of the Pension Benefit Guaranty Corporation pursuant to the Employee Retirement Income Security Act of 1974, in accordance with § 9-15.205-6, notwithstanding the provisions of § 9-7.5006-12(e) (15) (i).

(e) * * *

(21) Taxes, fees, and charges in connection with financing, refinancing, or refunding operations, including the listing of securities on exchanges; taxes which are paid contrary to the clause entitled "State and local taxes"; Federal taxes on net income and excess profits; special assessments on land which represent capital improvement; and taxes on accumulated funding deficiencies of, or prohibited transactions involving, employee deferred compensation plans pursuant to Section 4971 or Section 4975 of the Internal Revenue Code of 1954, as amended, respectively.

(23) First-class air travel in excess of the cost of less than first-class air accommodations, except when less than first-class accommodations are not reasonably available to meet necessary mission requirements, such as, where less than first-class accommodations would:

- (i) Require circuitous routing,
- (ii) Require travel during unreasonable hours,
- (iii) Greatly increase the duration of the flight,
- (iv) Result in additional costs which would offset the transportation savings,
- (v) Offer accommodations which are not reasonably adequate for the medical needs of the traveler.

(24) Late premium payment charges related to employee deferred compensation plan insurance, in accordance with § 9-15.205-16.

NOTE.—The following additional examples of items of unallowable costs are to be used in on-site architect-engineer contracts:

(b) In Subpart 9-15.2, add new §§ 9-15.205-6, 9-15.205-16 and 9-15.205-41 as follows:

Subpart 9-15.2—Contracts With Commercial Organizations

§ 9-15.205-6 Compensation for personal services.

(a)–(e) [Reserved]

(f) Deferred compensation. (1) * * *

(2) * * * (viii) The allowability of the cost of indemnification of the Pension Benefit Guaranty Corporation (PBGC), pursuant to Section 4062 or 4064 of the Employee Retirement Income Security

Act of 1974 (ERISA), because of the termination of an employee deferred compensation plan will be considered on a case-by-case basis; providing that if insurance was required by the PBGC pursuant to Section 4023 of ERISA, it was so obtained, and the indemnification payment is not recoverable thereunder. Consideration under the foregoing circumstances will be primarily for the purpose of appraising the extent to which the indemnification payment is allocable to Government work; and if a beneficial or other equitable relationship exists, the Government will participate, provisions of 1-15.205-16(a) (3) and 1-15.205-16(b) notwithstanding, in the indemnification payment to the extent of its fair share.

§ 9-15.205-16 Insurance and indemnification.

(a)–(b) [Reserved]

(c) Late premium payment charges related to employee deferred compensation plan insurance, incurred pursuant to Section 4007 or Section 4023 of the Employee Retirement Income Security Act of 1974, are unallowable.

§ 9-15.205-41 Taxes.

(a)–(c) [Reserved]

(d) The cost of taxes on accumulated funding deficiencies of, or prohibited transactions involving, employee deferred compensation plans pursuant to Section 4971 or Section 4975 of the Internal Revenue Code of 1954, as amended, respectively, is unallowable.

(Sec. 105, Energy Reorganization Act of 1974 (Pub. L. 93-438).)

Dated: April 27, 1977.

M. J. TASHJIAN,
Director of Procurement.

[FR Doc. 77-13129 Filed 5-6-77; 8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Capital Expenditures

AGENCY: Health Care Financing Administration, HEW.

ACTION: Final rule.

SUMMARY: Under the Medicaid program (medical assistance), title XIX of the Social Security Act, Federal matching of State payments to health facilities will not be made for costs related to unapproved capital expenditures (section 221, Pub. L. 92-603). This rule specifies how amounts to be denied will be calculated for Medicaid facilities paid on some basis other than "cost" or "cost-related."

DATES: The rule is effective for any capital expenditure obligated after the later of: (1) December 31, 1972, or (2) the effective date of an agreement executed between a State and the Secretary under section 1122 of the Social Security Act.

FOR FURTHER INFORMATION CONTACT:

Joseph E. Dougherty, 202-245-0048.

SUPPLEMENTARY INFORMATION:

This Notice makes final the interim portion of the rule published on November 5, 1976 (41 FR 48738), which implemented section 221 of the Pub. L. 92-603. Section 221 provides, in part, that where there is an agreement between a State and the Secretary, there will be no Federal financial participation (FFP) under title XIX for reimbursement related to unapproved capital expenditures. The rule published on November 5 (45 CFR 250.210, Limitation on Federal participation for capital expenditures) explained how FFP would be withheld for those expenses related to capital expenditures found inconsistent with Departmental rules on Cost Containment and Quality Control, Limitation on Federal Participation for Capital Expenditures (42 CFR Part 100 Subpart A).

Section 250.210 was published as notice of proposed rulemaking in the *FEDERAL REGISTER* on September 9, 1974 (39 FR 32562). Comments received were considered in the drafting of the final rule. A new portion, which was not included in the notice of proposed rulemaking was published as interim with provision for public comment. The new portion revised paragraph (b) (2) to clarify how the amount of FFP to be denied will be calculated for facilities paid on other than a reasonable cost or cost-related basis. The clarification is based upon section 1122(d) (1) of the Social Security Act, which provides, in part, for the exclusion, for facilities paid on other than a cost or cost-related basis, of an amount which would have been excluded if payment were made on a cost or cost-related basis. The comment period closed December 20, 1976. No comments were received. The portion that was published as interim is hereby made final.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Assistance Program No. 13.714 Medical Assistance Program.)

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: March 25, 1977.

DON WORTMAN,
*Acting Administrator, Health
Care Financing Administration.*

Approved: April 27, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc.77-13144 Filed 5-6-77;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 16, Amdt. 19]

PART 502—RULES OF PRACTICE AND PROCEDURE

Simplification of Rule Designations

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Rules of Practice and Procedure are amended to simplify the method of citation and designation of the rules by conforming the FMC rule number to the numbers appearing to the right of the decimal point in the section numbers published in the Code of Federal Regulations. Purpose of the amendment is to eliminate dual system of citation. Effect will be to eliminate confusion and simplify citation.

EFFECTIVE DATE: May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Acting Secretary,
Federal Maritime Commission, 1100 L
Street, NW., Washington, D.C. 20573.
(202-523-5725).

SUPPLEMENTARY INFORMATION:

The current rules provide for dual designation of each rule, once by reference to the number published in the Code of Federal Regulations and a second time by local reference to a different number usually published in brackets at the end of each rule but also found elsewhere throughout the rules and within their text. This dual system of reference is cumbersome and confusing to parties appearing before the Commission, especially those parties relying upon the Code of Federal Regulations. For example, Commission Rule 1 is also cited as 46 CFR 502.1. However, Rule 2, which is divided into two parts, namely, 2(a) and 2(b), is also cited as 46 CFR §§ 502.21 and 502.22. Rule 10, which is divided into 29 parts, designated as Rule 10(a) through 10(dd), is also referred to as 46 CFR §§ 502.141 through 502.170. In numerous instances, furthermore, the CFR designation to subsections of the rules refers to letters which do not correspond to letters employed in the Commission's local citations. For example, the last paragraph of Rule 6(d) is also referred to as 46 CFR 502.94(b).

To simplify citation of its rules, the Commission is eliminating the confusing and unnecessary reference to its local numbering and lettering system and is providing that its rules shall be designated simply by reference to the num-

bers following the decimal point in the rule as published in the Code of Federal Regulations. For example, Rule 1 will henceforth be cited as Rule 1; Rule 2 as Rule 2; Rule 6(d) as Rule 94; Rule 10 (dd) as Rule 170, etc.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 821, 841a), Part 502 of Title 46, Code of Federal Regulations, is amended by deleting all local numerical references to the rules contained therein ranging from the numbers 1 through 21 and substituting therefor those numbers which follow the decimal point in the respective section numbers as published in the Code of Federal Regulations.

Because the final rule hereby adopted concerns procedural matters limited to the conduct of formal proceedings before the Commission, its adoption could in no way be considered to result in major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Consequently no environmental impact statement is being issued in this matter.

Effective date: Inasmuch as the expeditious adoption of these rules is desirable and inasmuch as they are procedural in nature, they shall be effective on May 9, 1977 and shall be applicable to all pending and future proceedings.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-13076 Filed 5-6-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS, GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Editorial Amendments Relating to Frequencies Available for Flight Test Purposes

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The Commission is amending its regulations as a result of the expiration of a transition period during which flight test stations could continue to use three frequencies previously available for that service, which have been reassigned for other purposes.

EFFECTIVE DATE: May 13, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert H. McNamara, Aviation and Marine Division, Safety and Special Radio Services Bureau (202-632-7197).

SUPPLEMENTARY INFORMATION:

Adopted: April 28, 1977.

Released: April 29, 1977.

Order. In the matter of editorial amendment of Parts 2 and 87 of the rules relative to the frequencies available for flight test purposes.

1. In the Report and Order in Docket No. 19647 (38 FR 2907) the Commission amended the rules to provide for 25 kHz spacing in the Aeronautical Mobile (R) VHF band. As part of this rule making the usage of three frequencies, previously available for flight test purposes, was changed. However, flight test stations previously assigned these frequencies were allowed to continue to utilize the frequencies until January 1, 1977. That date has now since passed. Therefore, in order to update the rules, § 87.331(d) which contains the subject "grandfather" provision, is being deleted. In addition, footnote US32 to Section 2.106 is also being amended to reflect the change in usage of the specified frequencies in the band 123.1125-123.5875 MHz.

2. In that the amendments adopted herein are primarily editorial in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are unnecessary.

3. Accordingly, it is ordered, That pursuant to the authority contained in § 0.231(d) of the rules, Parts 2 and 87 of the Commission's rules are amended effective May 13, 1977, as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS
COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

Parts 2 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. In Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, in § 2.106, footnote US32 is amended to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

FOOTNOTES

US32—Except for the frequencies 123.3 and 123.5 MHz which are not authorized for Government use, the band 123.1125-123.5875 MHz is available for FAA Communications Incident to flight test and inspection activities pertinent to aircraft and facility certification on a secondary non-interference basis.

§ 87.331 [Amended]

B. In Part 87—Aviation Services, § 87.331(d) is deleted and designated [Reserved].

[FR Doc.77-13131 Filed 5-6-77; 8:45 am]

[Docket No. 20561]

PART 76—CABLE TELEVISION SERVICES

Definition of a Cable Television System and the Creation of Classes of Cable Systems; Second Correction

AGENCY: Federal Communications Commission.

ACTION: Second correction.

SUMMARY: Correcting typographical errors in 1st Report and Order FCC 77-205 published at 42 FR 19329.

EFFECTIVE DATE: May 16, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James Hudgens, Cable Television Bureau, 202-632-6468.

SUPPLEMENTARY INFORMATION:

Released: May 4, 1977.

In the matter of amendment of Part 76 of the Commission's rules and regulations with respect to the Definition of a Cable Television System and the Creation of Classes of Cable Systems, Docket No. 20561.¹

In the "First Report and Order" in the above entitled matter, FCC 77-205, adopted March 9, 1977, released April 6, 1977, and published in the FEDERAL REGISTER at 42 FR 19329, April 13, 1977, on page 19347, paragraph 14 is corrected to read as follows:

14. The present text of § 76.65 is redesignated paragraph (a), and a new paragraph (b) is added to read as follows:

§ 76.65 Grandfathering provisions.

(b) The provisions of §§ 76.57, 76.59, 76.61 and 76.63 shall not be deemed to require the deletion of any television broadcast or translator signals which a system community unit having fewer than 50 subscribers but constituting all or part of a system having 500 or more subscribers was carrying prior to May 16, 1977, until the community unit has 50 subscribers.

On page 19348, in paragraph 26, the first sentence of § 76.221(d) is corrected to read as follows:

§ 76.221 Sponsorship identification; list retention; related requirements.

(d) The announcement required by this section shall, in addition to stating the fact that the origination cablecasting matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services

¹ See 42 FR 20134, April 18, 1977.

or other valuable consideration is received, or by whom the material or services referred to in paragraph (c) of this section are furnished. * * *

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-13175 Filed 5-6-77; 8:45 am]

[Docket No. 20886, Rm. 2472, 2476]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Operation of a Communications System on the Great Lakes to Provide Very High Frequency (VHF) Regional, and Other Public Correspondence Radiocommunication Service to Vessels; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: In an order released April 7, 1977, providing for the establishment of a Great Lakes very high frequency public correspondence communication system, a footnote was erroneously referred to as a footnote 62 instead of 63. This Errata order initiated by the staff will correct that error.

EFFECTIVE DATE: May 16, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

S. W. Pratt, Aviation and Marine Division, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Released: May 4, 1977.

In the matter of Amendment of Parts 81 and 83 of the rules to permit the operation of a communications system on the Great Lakes to provide very high frequency (VHF) regional, and other public correspondence radiocommunication service to vessels.

Paragraph 4 of the Appendix to the Report and Order released April 7, 1977, in this Docket (FCC 77-242, 42 FR 20135, April 18, 1977) in the third column of page 20137, reads that a new condition of use designator 62 is added for the shown frequencies. The number 62 for the designator is in error. The change should read in pertinent part as follows:

"In § 81.304(a) a new condition of use designator 63 is added for the frequencies * * *"

The remainder of paragraph 4 remains unchanged.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-13174 Filed 5-6-77; 8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte 252 (Sub-No. 2)]

PART 1036—INCENTIVE PER DIEM CHARGES ON BOXCARS AND GONDOLA CARS

Incentive Per Diem Charges—Gondolas

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: After considering the dramatic decline in the gondola fleet and other factors, such as capacity, age, retirement, utilization, and future requirements of gondolas, the Commission determined that there was an inadequate supply of plain gondolas. For this reason, the Commission is amending its regulations to establish incentive per diem charges on plain gondola cars on a year round basis. The purpose of the incentive per diem charge is to encourage acquisition and maintenance of a car supply adequate to meet the needs of commerce and the national defense.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice Rosenak, Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423. (202-275-7693).

SUPPLEMENTARY INFORMATION: Effective May 26, 1966, Public Law 89-430 amended section 1(14) (a) of the Interstate Commerce Act to determine the adequacy and requirements of the national freight car supply and to impose incentive elements upon users of such cars if found necessary. Subsequently incentive per diem charges were imposed upon boxcars and XF cars. A Notice of Proposed Rulemaking and Order served September 12, 1975, by the Interstate Commerce Commission and published on September 30, 1975, in Volume 40 of the FEDERAL REGISTER at page 44851, instituted a proceeding for the purpose of determining whether existing incentive per diem rates on boxcars found in Part 1036, Title 49 of the Code of Federal Regulations should be amended so as to become also applicable on gondola cars (plain and equipped). All common carriers by railroad were made respondents to this proceeding and evidence was submitted for the record.

After considering the dramatic decline in the gondola fleet and other factors, such as capacity, age, retirement, utilization, and future requirements of gondolas, the Commission determined that there was an inadequate supply of plain gondolas. No such finding was made for equipped gondolas.

Pursuant to section 1(14) (a) the Commission ordered an incentive per diem charge on plain gondola cars with the mechanical designation GB while in the possession of nonowning railroads. See § 1036.1.

The amount of the incentive per diem charge to be applied on plain gondola cars was equal to the incentive per diem charges existing on boxcars and XF cars. However, such charges are collectible on boxcars on a six month basis whereas on XF cars and plain gondola cars charges are collectible on a year-round basis. See § 1036.2.

The funds generated on plain gondolas are to be earmarked in a separate bank account in the same manner that boxcars are earmarked. See § 1036.3.

The use of funds generated on gondolas in § 1036.5 differs significantly from the requirements concerning the use of funds generated on boxcars and XF cars in § 1036.4. The use of incentive per diem funds generated on gondola cars is more flexible in that it may be spent for the purchase and leasing of several car types as well as plant and equipment when certain conditions are met. Moreover, there is no requirement of purchasing or leasing cars equal to an investment average for 1964-1968 or matching of the carriers funds with earmarked funds as required in § 1036.4 for box cars and XF cars. The use of funds generated on gondolas is also more liberal in that the earmarked funds must be put to use within 30 months after the end of the calendar year in which the funds are collected versus 18 months for boxcars and XF cars. Furthermore, there is a different penalty for the failure to use the incentive per diem funds between boxcars and gondolas. If earmarked funds generated on boxcars are not used within the 18-month period, without Commission approved relief, the carrier must either voluntarily surrender the funds to "Rail Box" or the Commission will investigate the matter to determine what, if any, corrective action is warranted. As for incentive per diem funds generated on gondola cars § 1036.5 provides that failure to spend 85 percent of the incentive per diem funds within the 30-month time period by a carrier will result in that carrier not being allowed to earn incentive per diem charges on its unequipped gondola cars until such earmarked funds have been expended.

The final major difference between gondola cars and boxcars is that under the new § 1036.6 incentive per diem charges will be guaranteed on new gondola cars for a 15 year period. No such guarantee exists for boxcars and XF cars. Such guarantee is subject to the caveat that for failure of a carrier to spend 85 percent of its incentive per diem funds generated on unequipped gondola cars will result in the suspension of the guarantee until the time such funds are spent.

The effective date of the new regulations is July 1, 1977.

By the Commission, Commissioner Murphy concurring in part, and Commissioner Christian dissenting in part.

ROBERT L. OSWALD,
Secretary.

Part 1036 of Chapter X of Title 49 of the Code of Federal Regulations is amended as set forth below:

RULES AND REGULATIONS

§ 1036.1 Application.

Each common carrier by railroad subject to the Interstate Commerce Act shall pay to the owning railroads, including the owning railroads of Canada, the additional per diem charges set forth in § 1036.2 on all boxcars and gondola cars shown below, while in the possession of nonowning railroads and subject to per diem rules. These charges are in addition to all other per diem charges currently in effect or prescribed. Mexican-owned cars are exempt from the operation of these rules. The rules of this part shall apply regardless of whether the foregoing boxcars and gondola cars are in intrastate, interstate, or foreign commerce.

Mechanical designation:

Code number

XM----- B100-109, B200-209, B300-309
XMI----- B110-119, B210-219, B310-319

Amount of incentive per diem collectible on unequipped boxcars for a 6-mo period from Sept. 1 of each year through Feb. 28 of the following year and a year-round basis for XF cars and unequipped gondola cars

Line No.	Cost bracket (1)	Group A, 0-5 yr (2)	Group B, 6-10 yr (3)	Group C, 11-15 yr (4)	Group D, 16-20 yr (5)	Group E, 21-25 yr (6)	Group F, 26-30 yr (7)	Group G, over 30 yr (8)
1	0 to \$1,000.....	\$0.32	\$0.27	\$0.22	\$0.17	\$0.11	\$0.06	\$0.04
2	\$1,000 to \$3,000.....	.65	.54	.44	.33	.23	.12	.07
3	\$3,000 to \$5,000.....	1.30	1.09	.88	.67	.40	.25	.14
4	\$5,000 to \$7,000.....	1.95	1.63	1.32	1.00	.63	.37	.21
5	\$7,000 to \$9,000.....	2.60	2.18	1.75	1.33	.91	.49	.28
6	\$9,000 to \$11,000.....	3.25	2.72	2.19	1.67	1.14	.61	.35
7	\$11,000 to \$13,000.....	3.90	3.26	2.63	2.00	1.37	.74	.42
8	\$13,000 to \$15,000.....	4.54	3.81	3.07	2.33	1.60	.86	.49
9	\$15,000 to \$17,000.....	5.19	4.35	3.51	2.67	1.82	.98	.56
10	\$17,000 to \$19,000.....	5.84	4.89	3.95	3.00	2.05	1.11	.63
11	\$19,000 to \$21,000.....	6.49	5.44	4.39	3.33	2.28	1.23	.70
12	\$21,000 to \$23,000.....	7.14	5.98	4.82	3.67	2.51	1.35	.77
13	\$23,000 to \$25,000.....	7.79	6.53	5.26	4.00	2.74	1.47	.84
14	\$25,000 to \$27,000.....	8.44	7.07	5.70	4.33	2.96	1.60	.91
15	\$27,000 to \$29,000.....	9.09	7.61	6.14	4.67	3.19	1.72	.98
16	\$29,000 to \$31,000.....	9.74	8.16	6.58	5.00	3.42	1.84	1.05
17	\$31,000 to \$33,000.....	10.39	8.70	7.02	5.33	3.65	1.96	1.10
18	\$33,000 to \$35,000.....	11.04	9.24	7.46	5.67	3.88	2.09	1.12
19	\$35,000 to \$37,000.....	11.69	9.79	7.89	6.00	4.10	2.21	1.26
20	\$37,000 to \$39,000.....	12.33	10.33	8.33	6.33	4.33	2.33	1.33
21	\$39,000 to \$41,000.....	12.98	10.88	8.77	6.67	4.56	2.46	1.40

§ 1036.3 Earmarking.

Each common carrier by railroad shall segregate in Account 716, Capital and Other Reserve Funds, and shall transfer from Account 798, Retained Income, Unappropriated to Account 797, Retained Income, Appropriated, an amount equal to the net credit balance resulting from any incentive per diem settlement involving boxcars and gondola cars subject to this part. The carrier shall maintain separate bank accounts for the segregated funds generated on boxcars and gondola cars, respectively. Canadian carriers shall transfer a net balance after taxes to a U.S. designee, which may be either a U.S. class I railroad or a U.S. corporation established solely to purchase, hold title to, and control general service, unequipped boxcars and unequipped gondola cars subject to the Department of Transportation's safety regulations and the Interstate Commerce Commission's rules pertaining to per diem and car service, and to any reporting requirements determined to be applicable by the Commission's Bureau of Accounts. If the designee of Canadian carriers is a U.S. railroad, it shall maintain separate accounts for funds received

Mechanical designation: Code number

XMIH----- B120-129, B220-229, B320-329
XF----- A120, A220, A320, A420
GB----- G111, G112, G211, G212
G311, G312, G411, G412
G121, G122, G221, G222
G321, G322, G421, G422
G131, G132, G231, G232
G331, G332, G431, G432
G141, G142, G241, G242
G341, G342, G441, G442

(Plain gondola cars acquired after July 1, 1977, which are "guaranteed" cars and will be subject to incentive per diem payments from the date placed in service for a period of at least 15 years, should bear the letter designation GBI).

§ 1036.2 Amount of incentive charge.

The incentive charges applicable in each cost bracket by age group are set forth below:

on Canadian-owned boxcars and gondola cars, respectively. All boxcars or gondola cars purchased or built by such designee or such other corporation with incentive per diem funds earned on Canadian boxcars or gondola cars must be built in the United States. Any U.S. taxes incurred after transfer of a net balance to such designee may be deducted from the transferred amount for the purpose of determining a final net balance for investment. The earmarked funds shall be reduced by the amount of the additional income tax paid as the result of increasing taxable income by inclusion of net incentive per diem earnings. The funds in such accounts shall be used as set forth in § 1036.4 and § 1036.5. Unexpended funds remaining in the accounts of the carriers may be invested in Government bonds or other interest-bearing, temporary securities. The interest earned thereafter shall become part of the earmarked funds.

§ 1036.4 Use of funds on boxcars.

The net credit balances resulting from incentive per diem settlements on boxcars, which are earmarked in accordance with § 1036.3, may be drawn down in whole or in part at any time by the car-

rier to build, lease equivalent of purchase, purchase, or lease in which a carrier is not acquiring an equity interest, in whole or in part, new unequipped boxcars for general service described in § 1036.1, or rebuild any number of portion of unequipped boxcars for general service described in § 1036.1, provided, the carrier has in the same calendar year built, leased, purchased, nonequity leased, or rebuilt its 1964-68 average number of such boxcars and made up any arrearage in having failed to maintain such average each year this order is in effect. A carrier may, as an alternative to the 1964-68 test period average, draw down earmarked funds in whole or in part, to build, lease, equivalent of purchase, purchase, or nonequity lease new unequipped boxcars for general service or rebuild unequipped boxcars for general service provided, as a minimum, it matches the earmarked funds it will use to obtain these boxcars with an equal amount of its own funds. Where matching funds are to be used to acquire boxcars, such matching funds may not include funds derived from the increases authorized in Ex Parte No. 305 without specific authority from the Commission. Net balances on Canadian-owned cars may be drawn down without regard to prior acquisitions, but where the designee is a class I U.S. carrier such drawdowns shall not affect that carrier's accumulation of arrearages. A carrier using earmarked funds, in whole or in part, to build, rebuild, lease, purchase or nonequity lease general service, unequipped boxcars of the XF designation shall only be required, as a minimum, to match the earmarked funds it will use to obtain these XF boxcars with an equal amount of its own funds. Nonequity leases for unequipped boxcars for general service and XF boxcars must be at least 10 years in duration and, in connection with such leases, earmarked funds must not be used for the cost of maintenance nor on leases entered into prior to January 1, 1975. All earmarked funds that have accrued since the inception of the incentive per diem program must be put to use within 18 months after the end of the calendar year in which the funds are collected and result in a net credit balance for the building, rebuilding, leasing, purchasing or nonequity leasing of general service, unequipped boxcars described in § 1036.1 for addition to such carrier's or designee's fleet in accordance with this part. Upon a showing of good cause an application, including a showing that the parties to the proceeding herein have been notified by the carrier of such application, may be made to the Commission for waiver of the said 18-month period, which may, in the Commission's discretion, be granted after consideration of all views regarding the application. If the earmarked funds are not used within the 18-month period, they may be voluntarily surrendered to Rail Box whose establishment and operation was approved in American Rail Box Car Co.—Pooling, 347 I.C.C. 802. If the carrier fails within the stated period to put to use collected earmarked funds

which result in a net credit balance, has not obtained relief from that requirement, and has not surrendered such funds to Rail Box, the Commission will investigate the matter to determine what, if any, corrective action is warranted. Appropriate corrective action would include section 16(12) remedies among others. Carriers may make temporary investment of unexpended funds in Government bonds or other liquid securities. Such securities must be readily convertible to cash so that funds remain available for boxcar purchases. Interest earned must become part of the earmarked fund. As used in this section and § 1036.5, "build," "rebuild," "lease," or "purchase" refer to a commitment to build, rebuild, lease, or purchase which results in the acquisition of a car on line ready for use within 10 months from the date of commitment, except that in extraordinary cases beyond the control of the carrier or the car supplier, a car that is delivered after 10 months from the date of commitment may qualify if approved by the Bureau of Accounts of this Commission.

§ 1036.5 Use of funds generated on gondola cars.

The net credit balances resulting from incentive per diem settlements generated on general service unequipped gondola cars described in § 1036.1, which are earmarked in accordance with § 1036.3, may be drawn down in whole or in part at any time by the carrier, or designee of a Canadian railroad, to build, lease equivalent to purchase, lease (nonequity), purchase in whole or in part, or

rebuild unequipped gondolas, unequipped boxcars and XF cars as described in § 1036.1. The nonequity leases must be entered into after January 1, 1977, be at least 10 years in duration, and in connection with such leases, earmarked funds must not be used for the cost of maintenance. Upon application to the Commission, common carriers by railroad which have either adequate car supplies or good cause for not purchasing additional incentive per diem cars described in § 1036.1 from funds generated by unequipped gondola cars, may apply to the Commission to permit expenditure of such funds on plant and equipment, upon a showing that expenditure of such funds will enhance utilization of any of the car types earning incentive per diem. Earmarked funds must be put to use within 30 months after the end of the calendar year in which the funds are collected. Failure to spend 85 percent of the incentive per diem funds within the 30-month time period by a carrier will result in that carrier not being allowed to earn incentive per diem charges on its unequipped gondola cars until such earmarked funds have been expended.

§ 1036.6 Guarantee of incentive per diem charges on new unequipped gondola cars.

Newly purchased or leased (equity and nonequity) unequipped gondola cars described in § 1036.1 which have been delivered after July 1, 1977, will be guaranteed to earn for 15 years from the date of delivery, as a minimum, such incentive per diem charges so as to main-

tain an equivalent of the current basic per diem charge as prescribed in I.C.C. Docket No. 33145, effective April 1, 1977, plus the applicable incentive per diem charge set forth in 49 CFR 1036.2. Such guarantee will be subject to the caveat that for failure of a carrier to spend 85 percent of its incentive per diem funds generated on unequipped gondola cars will result in the suspension of the guarantee until the time such funds are spent.

§ 1036.7 Effective date.

The rules set forth in § 1036.1 and § 1036.2 shall apply for a 6-month period from September 1 of each year through February 28 of the following year on general service, unequipped boxcars, and on a year-round basis for XF cars. The rules set forth in §§ 1036.1, 1036.2, 1036.3, 1036.5, and 1036.6 shall apply on a year-round basis for gondola cars, effective July 1, 1977.

§ 1036.8 Rules and regulations suspended.

The operation of all rules and regulations, insofar as they conflict with the provisions of this part, is hereby suspended. The charges herein provided shall be paid for each day cars are held, but nothing in this part shall prevent the operation of per diem reclaim agreements customarily employed by and between particular railroads to provide for special situations, or with the use of customary methods of settling balances of per diem accounts.

[FR Doc.77-12983 Filed 5-6-77;1:24 pm]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

OFFICIAL MEAT GRADING EQUIPMENT

Proposed Storage Regulations

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed Rule.

SUMMARY: A change is proposed in the regulations for providing meat grading and/or acceptance service to show that applicants may be required to provide metal cabinets or lockers for the secure storage of official meat grading equipment for Federal meat graders assigned to their plants. This in-plant storage will reduce the travel time for transporting equipment from home to work which was recently determined to be compensable under the Fair Labor Standards Act and will help minimize increases in the fee rate necessary to cover the added travel costs.

DATE: Comments by May 30, 1977.

ADDRESS: Send comments to or view comments at the Office of the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

David K. Hallett, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-2210.

SUPPLEMENTARY INFORMATION: Meat graders presently transport a large quantity of grading equipment between their home and worksite and carry it between their car and duty assignment at the beginning and end of each workday. Under recent interpretations of the Fair Labor Standards Act of 1974, the transporting of such equipment is considered hours worked, and has resulted in a substantial increase in the amount of duty time paid to employees. It is estimated that the increased costs for travel time transporting equipment, and for other travel time allowable under the Act, will be \$2 million per year which must be recovered by increasing the hourly fee for services. In-plant facilities for storage of government equipment will significantly reduce the travel time associated with transporting equipment, thereby lessening the amount of the fee rate increase necessitated by the Fair Labor Standards Act.

Accordingly, it is proposed to amend Part 53 of the Meat Grading Regulations (7 CFR Part 53) by adding the follow-

ing new sentences to § 53.20—Custody of Identification Devices:

§ 53.20 Custody of identification devices.

* * * "Upon request, applicants shall provide metal cabinets or lockers for the secure storage of official meat grading equipment and identification devices for each Federal meat grader assigned to their establishment. Such cabinets or lockers shall be capable of being locked with special, government-owned locks and shall be placed in an easily accessible and reasonably secure location within the applicant's establishment.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file two copies with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, not later than May 30, 1977. All written submissions will be available for public inspection at the Office of the Hearing Clerk during regular business hours.

(Agricultural Marketing Act of 1946, sec. 205(b), 60 Stat. 1087, 1090 (7 U.S.C. 1624).)

Done at Washington, D.C., on this 4th day of May 1977.

IRVING W. THOMAS,
Acting Deputy Administrator,
Commodity Operations, F.S.Q.S.

[FR Doc.77-13172 Filed 5-6-77;8:45 am]

[7 CFR Part 944]

FRUITS; EXPORT REGULATIONS

Proposed Rulemaking with Respect to Issuance of Regulations Governing Imports of Avocados

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Consideration is being given to the following proposal, which would prescribe requirements for the importations of avocados into the United States during the period May 30, 1977, through April 30, 1978. The proposed import regulation would prescribe the same grade requirements for imported avocados as that applicable to avocados grown in south Florida. The proposed regulation would apply the same minimum size or weight requirements to imported avocados of the Pollock, Catalina, and Trapp varieties as are applicable to Florida avocados of the same varieties. All other imported avocados would be required to meet minimum size or weight requirements comparable to those effective for

similar types grown in Florida as variations in characteristics make application of identical requirements impractical. Weights or diameters and dates when specified varieties of avocados may be imported are indices used to assure that imported avocados are mature and will ripen satisfactorily after purchase by consumers.

DATE: Comments must be received on or before May 20, 1977.

ADDRESSES: Comments may be addressed to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3545.

SUPPLEMENTARY INFORMATION: This import regulation would be effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

As proposed, the domestic regulation under the marketing order for Florida avocados would become effective May 30, 1977. To prevent the import of immature avocados, the import regulation would be made effective on the same date. Hence, the time available does not permit preliminary notice beyond that herein provided.

Such proposal reads as follows:

§ 944.17 Avocado Regulation 25.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements: (1) All avocados imported during the period May 30, 1977, through April 30, 1978, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 4, 1977; (ii) from July 4, 1977, through July 17, 1977, unless the individual fruit in each lot of such avocado weighs at least 18 ounces or measures at least 3 1/16 inches in diameter; (iii) from July 18, 1977, through July 31, 1977, unless the individual fruit in each lot of such avocados weighs at least 16 ounces

or measures at least $3\frac{1}{16}$ inches in diameter; and (iv) from August 1, 1977, through August 15, 1977, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least $3\frac{1}{16}$ inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to September 12, 1977; (ii) from September 12, 1977, through September 18, 1977, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 19, 1977, through October 3, 1977, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 15, 1977; (ii) from August 15, 1977, through August 28, 1977, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least $3\frac{1}{16}$ inches in diameter; and (iii) from August 29, 1977, through September 12, 1977, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least $3\frac{1}{16}$ inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to July 4, 1977; (ii) from July 4, 1977, through July 31, 1977, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from August 1, 1977, through September 4, 1977, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from September 5, 1977, through October 3, 1977, unless the individual fruit in each lot of such avocados weighs at least 14 ounces: *Provided*, That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 19, 1977; (ii) from September 19, 1977, through October 16, 1977, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 17, 1977, through December 19, 1977, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified and be less than the specified diameter: *Provided*, That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subpara-

graphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereon in the form of an official inspection certificate, issued by the respective serv-

ice, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance notice (days)
All Texas points.....	Leo M. Denbo, 600 South Nebraska Ave., San Juan, Tex. 78578, phone (512) 787-4091, or Charles E. Farragon, 724 East Overland, El Paso, Tex. 79901, phone (915) 543-7723.	1
All New York points...	Carmine J. Cavallo, room 28A, Hunts Point Market, Bronx, N.Y. 10474, phone (212) 691-7628 and 7623, or Charles D. Benick, 176 Niagara Frontier Food Terminal, room 8, Buffalo, N.Y. 14206, phone (716) 824-1233.	1
All Arizona points.....	B. O. Morgan, 225 Terrace Ave., Nogales, Ariz. 85621, phone (602) 257-2562.	1
All Florida points.....	Bennie C. Tiner, 1350 Northwest 12th Ave., room 630, Miami, Fla. 33136, phone (305) 324-6116, or Cecil Brantley, 630 3d St. NW., Winter Haven, Fla. 33880, phone (813) 294-3511, or Johnnie L. Corbitt, unit 48, 3335 North Edgewood, Jacksonville, Fla. 32205, phone (904) 354-2363.	1
All California points...	T. A. Trombatore, 784 South Central Ave., room 206, Los Angeles, Calif. 90021, phone (213) 622-5756.	3
All Louisiana points...	Leonard E. Mixen, 6027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113, phone (504) 559-6741 and 6742.	1
All other points.....	M. A. Casille, F. & V. Division, AMS-USDA, Washington, D.C. 20250, phone (202) 417-3570.	3

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

- (1) The date and place of inspection;
- (2) The name of the shipper or applicant;
- (3) The commodity inspected;
- (4) The quantity of the commodity covered by the certificate;
- (5) The principal identifying marks on the container;
- (6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be im-

ported without regard to the restrictions specified herein.

(g) It is hereby found that the application of the maturity restrictions being imposed, pursuant to Order No. 915 (7 CFR Part 915), upon avocados grown in South Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties, is not practicable because of variations in characteristics between the domestic imported avocados; and the maturity restrictions applicable to imported avocados other than of the Pollock, Catalina, and Trapp varieties are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados, and the maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties, are the same as those being imposed upon the domestic commodity.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade, as used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (7 CFR 51.3050-51.3069). "Diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit. "Importation"

means release from custody of the United States Bureau of Customs.

Dated: May 2, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Veg-
etable Division, Agricultural
Marketing Service.

[FR Doc.77-13087 Filed 5-6-77;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z; Docket No. R-0098]

AMENDMENTS TO REGULATION Z TO SIMPLIFY DISCLOSURE REQUIREMENTS

Consumers in Credit Transactions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rules.

SUMMARY: These proposed rules would amend several sections of Regulation Z to reduce the complexity of the disclosures provided to consumers in credit transactions. The proposals would eliminate itemization of the components of the finance charge and the downpayment, eliminate the requirement that certain fees imposed equally on cash and credit customers be disclosed in order to be excluded from the finance charge, and simplify the disclosure concerning rebate of finance charges in the event of prepayment in full of a precomputed installment obligation. These simplifying proposals are intended to eliminate unnecessary information from the Truth in Lending disclosure statement in order to focus attention on the more meaningful and useful cost disclosures as well as to promote creditor compliance with the regulation.

DATE: Comments must be received on or before June 15, 1977.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All materials submitted should include the docket number R-0098.

FOR FURTHER INFORMATION CON- TACT:

D. Edwin Schmelzer, Chief, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2412).

SUPPLEMENTARY INFORMATION: The Board of Governors of the Federal Reserve System is publishing for comment several proposed amendments to Regulation Z designed to simplify the disclosure requirements. The provisions affected are ones which are not mandated by the Truth in Lending Act but which were added by the Board under its regulation-writing authority. The Board believes that the information required to be disclosed by the current provisions may not be helpful or meaningful to consumers, while causing substantial difficulty in creditor compliance.

The Board is considering further simplifying amendments to the regulation

beyond those proposed herein. Since it recognizes the problems that would be created by a consultant-revised regulation, it will consider giving all of the simplifying changes the same effective date, where appropriate.

The proposed amendments are as follows:

Itemization of finance charge. These amendments would eliminate the requirement that the components of the finance charge be itemized. Itemization for component charges is not called for in the Truth in Lending Act, but this requirement in Regulation Z has caused substantial problems in creditor compliance without comparable benefit to consumers. The Board believes that since consumers can most effectively compare credit costs based on the total finance charge, listing of the component charges does not materially assist credit shopping. Furthermore, many of the component charges, such as "time price differential," are not meaningful to consumers. Since one of the purposes of introducing the concept of "finance charge" into the Truth in Lending Act was to eliminate the great variety of differing terminology and encourage uniform terms for purposes of comparison, it is more in keeping with this purpose to require disclosure of only the total finance charge.

Preliminary contacts with the Federal agencies responsible for the regulation's enforcement and with the exempt States indicate that many of them find itemization of the finance charge components to be helpful in their examinations and investigations. However, it appears that such itemization may be more relevant to the question of compliance with State laws than with the Truth in Lending Act.

If a creditor wished to continue itemizing the finance charge, this would, of course, be permissible as additional information under § 226.6(c).

Rebate of finance charge upon prepayment. This amendment would simplify the disclosures by eliminating the requirement to identify the method used to compute the rebate of finance charges upon prepayment in full of an obligation. Instead, a creditor would simply state whether or not a rebate will be made. It is doubtful, particularly with the typical rebate method, i.e., Rule of 78's, whether identification of the method has been in any way meaningful to consumers, and elaborate explanations of how the various methods work would be far too complex and technical to be readily understood.

If a creditor wished to provide more information regarding rebates upon prepayment, this may be done pursuant to § 226.6(c).

The Board considered elimination of all disclosures concerning rebates since this information is not called for in the Truth in Lending Act. However it appears that the existence of a rebate is an important item of information for consumers, since it has monetary impact and may affect consumer behavior.

The Board also considered an alternative amendment which would have required a statement of whether or not a rebate will be made only in those transactions for which State law does not require rebates to be given (i.e., where giving of rebates is left to the creditor's discretion). It appears that most States require rebates to be made upon full prepayment of various types of obligations and often prescribe what method is to be used to compute the rebate. In such transactions, disclosure of the existence of a rebate would be merely reiterating a State law requirement. This alternative would have required a statement of the creditor's rebate policy only in those situations where it is not determined by State law. The Board decided not to propose this alternative since it appears to be in the consumer's interest to know if there will be a rebate, regardless of whether or not State law requires it (particularly since few consumers are likely to know State law on this subject). Furthermore, since State laws on rebates are not uniform with regard to all types of credit transactions and all types of creditors, it would in many cases be simpler for a creditor to state its policy on provision of rebates for all transactions rather than determine if State law governs a particular transaction.

The Board is interested in having the views of interested persons on this question of rebate disclosures, and would particularly like to solicit comment on:

The extent to which State law governs rebate of finance charges upon prepayment.

The extent to which provisions on rebates are included in credit contracts.

The extent to which consumers are aware of their right to rebate under State law and the importance to them of creditors' practices regarding rebates.

Itemization of license, certificate of title, and registration fees. This amendment would eliminate the need for license, certificate of title, and registration fees to be itemized in order to exclude them from the finance charge. It is the Board's understanding that these types of fees are imposed equally in both cash and credit transactions (generally sales of automobiles) and therefore do not meet the definition of finance charge in § 226.4(a). Nevertheless, their inclusion in § 226.4(b) suggests that they must be itemized and disclosed in order to be kept out of the finance charge. Thus the present regulation creates an anomalous situation by singling out these fees for special treatment, with no apparent consumer benefit.

It should be noted that if these license, certificate of title, and registration fees are financed by the creditor (rather than paid in cash), they must still be itemized and disclosed as part of the amount financed.

Itemization of downpayment. This amendment would eliminate itemization of the components of the downpayment in a credit sale and would drop the required terminology of "cash downpayment," "trade-in," and "total downpay-

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 53]

FAILURE TO OBTAIN ADVANCE APPROVAL
OF GRANT MAKING PROCEDURES

Proposed Rulemaking

AGENCY: Internal Revenue Service,
Treasury.ACTION: Notice of proposed rulemak-
ing.

SUMMARY: This document provides proposed regulations relating to a failure to obtain advance approval of procedures for making certain grants by a private foundation. Changes to the applicable law were made by the Tax Reform Act of 1969. The regulations would provide private foundations with the guidance needed to comply with that Act and would affect all private foundations who have failed to obtain advance approval of procedures with respect to certain grants.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 23, 1977. Generally, except where otherwise provided, the amendments are proposed to be effective for all taxable years beginning after December 31, 1969.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CON-
TACT:

Mr. Robert Katcher of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T), 202-566-3828.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Excise Tax Regulations (26 CFR Part 53) under section 4945 of the Internal Revenue Code of 1954. These amendments are proposed in order to provide a special rule where there was a failure to obtain advance approval of certain grant making procedures. These regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

TAXABLE EXPENDITURES

This proposed regulation contains a special rule for correction under section 4945(l)(1) of the Code. In general, correction is required where a private foundation makes a taxable expenditure as defined in section 4945(d) of the Code. The proposed regulation provides a special rule where an expenditure is taxable under section 4945(d)(3) (relating to certain grants to an individual) solely because the grants were made before obtaining advance approval of procedures with respect to such grants.

DRAFTING INFORMATION

The principal author of these proposed regulations was Mr. Robert Katcher of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE
REGULATIONS

The proposed amendments to 26 CFR Part 53 are as follows:

Section 53.4945-1 is amended by revising the first sentence of paragraph (d)(1) and by adding paragraph (d)(3) to read as follows:

§ 53.4945-1 Taxes on taxable expenditures.

(d) *Correction*—(1) *In general.* Except as provided in paragraph (d)(2) or (3) of this section, correction of a taxable expenditure shall be accomplished by recovering part or all of the expenditure to the extent recovery is possible, and, where full recovery cannot be accomplished, by any additional corrective action which the Commissioner may prescribe.

(3) *Correction for failure to obtain advance approval.* Where an expenditure is taxable under section 4945(d)(3) only because of a failure to obtain advance approval of procedures with respect to grants as required by section 4945(g), correction may be accomplished by obtaining approval of the grant making procedures and establishing to the satisfaction of the Commissioner that:

(i) no grant funds have been diverted to any use not in furtherance of a purpose specified in the grant;

(ii) the grant making procedures instituted would have been approved if advance approval of such procedures had been properly requested; and

(iii) where advance approval of grant making procedures is subsequently required, such approval will be properly requested.

WILLIAM E. WILLIAMS,
Acting Commissioner
of Internal Revenue.

[FR Doc.77-13194 Filed 5-6-77;8:45 am]

DEPARTMENT OF
TRANSPORTATION

Coast Guard

[46 CFR Part 35]

[CGD 75-148]

TANK VESSELS

Manual of Cargo Transfer Procedures

AGENCY: Coast Guard.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is considering an amendment to the tank vessel regulations to require carriage and use of a manual of cargo transfer procedures

ment." While disclosure of the total downpayment is essential, the extra information concerning its components is not particularly necessary to a consumer's understanding of the credit transaction, and does not assist in credit shopping.

If a creditor wished to continue itemizing the downpayment, this would, of course, be permissible as additional information under § 226.6(c).

Pursuant to the authority granted in 15 U.S.C. § 1604 (1970), the Board proposes to amend Regulation Z, 12 CFR Part 226, as follows:

§ 226.4 [Amended]

1. Section 226.4(b) would be amended by deleting § 226.4(b)(4).

2. Section 226.8 would be amended as follows:

§ 226.8 Credit other than open end—
specific disclosures.

(b) * * *

(7) With respect to an obligation which includes precomputed finance charges, a statement indicating whether or not any portion of the finance charge will be rebated or credited to the customer in the event of prepayment in full of the obligation.

(c) * * *

(2) The total amount of the downpayment (including any downpayment in money, property or other value).

(8) * * *

(8) Except in the case of a sale of a dwelling:

(i) The total amount of the finance charge, using the term "finance charge."

(d) * * *

(3) Except in the case of a loan secured by a first lien or equivalent security interest on a dwelling and made to finance the purchase of that dwelling, the total amount of the "finance charge," using the term "finance charge."

To aid in the consideration of these proposals by the Board, interested persons are invited to submit relevant data, views, comments, or arguments. All such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 15, 1977. All material submitted should include the docket number R-0098. Such information will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

This notice is published pursuant to § 553(b) of Title 5 United States Code and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

By order of the Board of Governors,
April 27, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-13115 Filed 5-6-77;8:45 am]

on board tank vessels. The amendment is proposed to implement recommendation M-74-31 of the action of the National Transportation Safety Board on the Coast Guard investigation of the *SS William T. Steele* casualty. Recommendation M-74-31 calls for a preventive safety measure requiring tank vessels to carry a current manual of cargo transfer procedures that shows the operation of cargo transfer piping systems during cargo transfer operations.

DATES: Comments must be received on or before: June 20, 1977.

ADDRESSES: Comments should be submitted to and will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to comment on this notice of proposed rule making by submitting written data, views, or arguments. Each person submitting comments should include his name and address, identify the notice (CGD 75-148), and give reasons for any recommendations. The proposal may be changed in light of the comments received. No hearing is contemplated but one may be held at a time and place set in a later notice in the *FEDERAL REGISTER* if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

NEED FOR REGULATIONS

Three persons were killed in the *SS William T. Steele* casualty which occurred during a cargo transfer operation on board the vessel. During the transfer operation a cargo of benzene was mistakenly loaded into a tank reserved for xylene. The attempt to blank off the tank after removing the benzene caused a series of events to occur that resulted in the deaths. The National Transportation Safety Board determined that the probable cause of the deaths was prolonged inhalation of benzene vapors.

Mistakes in loading can result in various hazards on a vessel, including the mixing of incompatible cargoes in tanks or the placement of cargo in tanks that are not properly vented to carry the cargo, and can lead to similar mishaps of the kind that occurred in the *SS William T. Steele* casualty. Use of the manual of cargo transfer procedures proposed in this notice can minimize the possibility of these hazards to the vessel and its personnel. The use of the manual is especially important on a vessel that has a constant turnover of personnel who may not be familiar with the operation

of the vessel's cargo transfer system when initially reporting aboard.

DISCUSSION OF PROPOSED AMENDMENT

Most of the information required to be in the manual proposed in this notice would also be contained in the oil transfer manual of an oil tanker. (§§ 15.720-155.750 of Title 33, Code of Federal Regulations, require vessels transferring oil to have an oil transfer manual containing the information required by those sections.) An oil tanker that carries incompatible cargoes will comply with the regulations proposed in this notice if it adds procedures for transferring cargo in a manner that prevents mixing of incompatible cargoes to the transfer procedures it already has on board as required by Title 33. An oil tanker that does not carry incompatible cargoes can comply with the regulations proposed in this notice if it adds to the transfer procedures it already has on board a list of cargoes that it carries.

The rules in this notice would not apply to unmanned tank barges that carry only one product and that do not have equipment on board to transfer cargo from one tank to another. The likelihood of occurrence of the hazards that the proposed manual is designed to prevent is minimal in the case of these single product barges.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46 of the Code of Federal Regulations by adding a new § 35.01-42 to read as follows:

§ 35.01-42 Manual of cargo transfer procedures TB/ALL.

(a) This section applies to all tank vessels, except unmanned barges that carry only one product and that do not have equipment on board to transfer cargo from one tank to another.

(b) No person may operate a cargo transfer system on a tank vessel unless the vessel has a manual of cargo transfer procedures that meets the requirements of this section.

(c) The owner of a tank vessel shall update the manual required by this section whenever necessary to maintain it in current condition on the vessel. The master or person in charge of the vessel shall require the vessel's personnel to use the procedures in the manual in each cargo transfer operation.

(d) The manual required by this section must be:

(1) Legibly printed in a language understood by the crew; and

(2) Permanently posted or available at the vessel's cargo control station or at a place where it can be easily seen and used by vessel personnel who engage in cargo transfer operations.

(e) The manual required by this section must contain:¹

¹Vessels that carry cargoes of oil are required by 33 CFR 155.720 to have oil transfer procedures that meet the requirements of 33 CFR 155.750. An oil tanker that carries incompatible cargoes complies with paragraph (e) of this section if it adds to its oil transfer procedures the information required in para-

(1) A list of the products to which the cargo transfer procedures apply;

(2) A description of each cargo transfer system installed on the vessel including:

(i) A line diagram of the vessel's cargo transfer piping showing the location of each valve, pump, control device, vent, and overflow; and

(ii) The location of the shut-off valve or other isolation device that separates any bilge or ballast system from the cargo transfer system;

(3) The number of persons on duty during cargo transfer operations;

(4) The duties by title of each officer, person in charge, tankerman, deckhand, and other person who engages in cargo transfer operations;

(5) Procedures for operating the emergency shutdown means if the vessel has an emergency shutdown means; and

(6) Procedures for transferring cargo in a manner that prevents mixing of incompatible cargoes if the vessel carries incompatible cargoes.²

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are Lieutenant Commander Paul K. Anderson, Project Manager, and Mr. William R. Register, Project Attorney.

(46 U.S.C. 391a; 49 U.S.C. 1655(b); 49 CFR 1.46).

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: May 2, 1977.

O. W. SILER,
Admiral, U.S. Coast
Guard Commandant.

[FR Doc.77-13030 Filed 5-6-77;8:45 am]

[46 CFR Part 153]

[CGD 73-98a]

APPLICATION OF CHEMICAL TANKER STANDARDS TO EXISTING SHIPS

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: The Coast Guard proposed standards for chemical tankers in June 1976 that would require existing tankers to meet the standards within five years after the effective date of the final rules, or about 1982. The Coast Guard is now proposing that these existing chemical tankers meet the standards by April 12, 1978, in order to bring the standards into line with the Imco Chemical Code.

graph (e)(6). An oil tanker that does not carry incompatible cargoes complies with paragraph (e) of this section if it adds to its oil transfer procedures the information required by paragraph (e) (1).

²Incompatible cargoes are listed in NVC 4-75, available Commandant (G-MHM-3/83), United States Coast Guard, Washington, D.C. 20590, 202-426-2569.

DATES: Comments must be received on or before June 7, 1977.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C., 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. A copy of the economic evaluation from which the economic summary in this document is taken is also available for examination at the above address.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Written comments should include the docket number (CGD 73-96a), the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. All comments received will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the *FEDERAL REGISTER* if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal program person and lawyer involved in the drafting of this rulemaking are: Robert M. Query, Project Manager, Lieutenant Edward J. Gill Jr., Project Attorney.

DISCUSSION OF THE PROPOSED REGULATIONS

In the *FEDERAL REGISTER* of June 24, 1976, the Coast Guard proposed to add a new part 153 to Title 46 of the Code of Federal Regulations that would contain design, equipment, and operating requirements for self-propelled vessels carrying hazardous liquid chemicals. Section 153.7(c) of that proposal contained a series of dates and section numbers describing the schedule an existing ship would be allowed to follow if it were modified to operate under the new part. This schedule extended over a period of approximately five years, so that the ship would meet virtually all the requirements in the proposal by sometime in 1982. A number of people commented on § 153.7(c), mostly related to how quickly a ship would have to meet a particular section or whether it would have to meet a section at all.

However, several commenters noted that the Coast Guard was, as a practical matter, changing the effective dates of the IMCO Chemical Code. These people argued that the proposed rules would al-

low ships not following the Code to continue to operate without modification until 1982, whereas those ships which were complying with the Code would have to be modified by April 12, 1978. This would give an unfair advantage to ships not meeting the Code. The Coast Guard is finding in the Letter of Compliance program that some shipowners are at a disadvantage if they try to follow the Code's recommendations. Furthermore, some shippers are following the Code when it is to their advantage to do so and following the existing U.S. requirements when they happen to be less stringent than the Code. The Coast Guard is concerned that if it continues to allow this shifting between the Code and the U.S. regulations by having a set of effective dates different from the Code, the Coast Guard will undermine both the U.S. regulations and the Chemical Code.

Commenters also pointed out that the Code was published in 1971 so that the marine chemical shipping industry had had ample notice of the Code's timetable for upgrading.

This proposal has been reviewed for economic effects under the Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 FR 16200). When it assessed the economic impact of the original proposal, the Coast Guard reviewed the design of existing chemical ships under U.S. flag and those foreign ships moving in U.S. waters. The Coast Guard determined that most U.S. flag and many foreign flag ships carrying hazardous chemicals either already comply with, or are close to complying with, the requirements in Part 153. The Coast Guard has also found that using effective dates later than those contained in the Chemical Code does give a competitive disadvantage to those ships already complying with the Code, and may unnecessarily delay the objectives of the Code.

The Coast Guard's estimate of the cost of the original proposal, including existing and new, foreign and U.S. flag ships showed that the cost per year for the first years (during the period existing tankers were being converted) would be roughly \$3,000,000. If the cost over this five year period were compressed into one year, it would amount to about \$15,000,000, ignoring any inflationary increase since the original evaluation in the spring of 1976 and ignoring any cost increases from lost operating time and shipyard scheduling problems.

After considering the various objections to the time schedule in the original proposal and the cost involved in meeting the dates for conversion stated in the Chemical Code, the Coast Guard has determined that modifying the dates in the proposal to meet those in the Chemical Code is appropriate. Therefore, the Coast Guard is now proposing that existing vessels meet the requirements in part 153 by April 1978.

Since some shipowners may not be able to schedule shipyard work immediately or get delivery on parts, the Coast Guard is proposing a provision that would allow it to grant a longer conversion period to

a specific ship if it determines that the ship cannot meet the proposed timetable because of these extenuating factors.

In consideration of the foregoing, the Coast Guard proposes to amend 46 CFR Part 153 (proposed on page 26129 of the *FEDERAL REGISTER*, vol. 41, no. 123, June 24, 1976), as follows:

1. By revising § 153.7(c) to read as follows:

§ 153.7 Existing tankships.

(c) *Requirements for existing tankships.* In addition to the standards required of existing tankships in paragraph (b) of this section, every existing tankship must meet the sections of this part according to the following schedule:

(1) The following sections in this part apply to an existing tankship after the effective date: §§ 153.1, 153.2, 153.5, 153.7, 153.8, 153.9, 153.10, 153.208, 153.214, 153.294, 153.515, 153.520, 153.530, 153.559, and Subpart C of this part.

(2) After April 12, 1978, an existing tankship must meet all the requirements of this part except as described in subparagraphs (3) and (4) of this paragraph.

(3) The Commandant (G-MHM) considers on a case by case basis extending the time an existing tankship may operate before meeting the requirements effective on April 12, 1978.

(4) The Commandant (G-MHM) considers on a case by case basis endorsing the permit of an existing tankship that fails to meet § 153.20, § 153.21, § 153.22, or § 153.234. However, in no case may a type I or type II containment system be less than 76 cm from the bottom shell.

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

(46 U.S.C. 170 and 391a; 49 U.S.C. 1655(b), 49 C.F.R. 1.46(b))

Dated: May 2, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.77-13148 Filed 5-6-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 21202; FCC 77-270]

CABLE TELEVISION SERVICES

Cable Television Annual Financial Report (FCC Form 326)

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This proposed rule institutes a uniform financial reporting system for the cable television industry. This action would improve the significance and comparability of the data

supplied by the industry. Accurate financial data is important to the Commission's decision making process.

DATES: Comments must be received on or before June 3, 1977, and Reply Comments must be received on or before June 13, 1977.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

John S. Whetzell, Research Division, Cable Television Bureau (202-632-9797).

SUPPLEMENTARY INFORMATION:

Adopted: April 14, 1977.

Released: April 25, 1977.

By the Commission: Commissioner Washburn absent; Commissioner Hooks concurring in the result.

In the matter of amendment of Part 76, Subpart F of the Commission's Rules and Regulations with Respect to the Cable Television Annual Financial Report (FCC Form 326).

1. Notice is hereby given of proposed rule making in the above titled matter.

2. In recognition of its need for financial data regarding the cable television industry, the Commission has for the past few years required an annual submission of financial reports (FCC Form 326) by cable television systems. However, the significance and comparability of the collected data has been impaired because of its lack of uniformity. In order to insure that collected financial data is meaningful, the Commission hereby proposes the adoption of a reporting system which includes disclosure of accounting policies for specified accounts.

3. Since Commission actions may affect the growth of cable television and/or impact existing cable television systems, the decision process often includes the use of financial data. In rule makings, for example, it is often essential to determine what constitutes an extraordinary burden on certain cable systems so that exemptions or limitations may be incorporated into the rules, such as the subscriber size exemptions in the non-duplication, exclusivity and cablecasting rules. In special relief requests, where financial showings frequently are used, accurate financial data is required so that normal industry characteristics can be used as a basis for comparison. In the aggregate, financial information is necessary to monitor the effect of Commission rules on the industry as a whole on a year-to-year basis. However, the use of financial data, as currently collected, is severely limited primarily because of the dissimilarity in accounting procedures used by reporting units. A variation in accounting procedures, in only a few accounts, can substantially affect the accuracy of critical indicators upon which many regulatory decisions are partly or wholly based. Therefore,

uniform financial information must be obtained to insure fair and efficient regulation.

4. The Commission's needs for uniform financial data are not unrelated to state and local needs, even though there are generally different objectives in the regulation of cable television at each level of government. In developing the proposed reporting system, the account instructions and Form Schedules have been designed to satisfy a large number of state and local reporting needs in carrying out their respective responsibilities. There are two major purposes for this design effort. First, it encourages consistency in regulatory reporting and accounting requirements so that unnecessary burdens on cable operators can be avoided. This would be especially true where operators own cable systems in many different state and local areas. Under consistent reporting requirements, these multiple system operators could provide similar types of financial information to the regulatory bodies in each state and local area without the necessity of keeping separate books and using different accounting procedures. The second purpose is that for regulatory bodies at each level of government, consistent reporting requirements may aid in efficiency and cost reduction. Consistent and uniform financial data, even when displayed in aggregated tables, is extremely useful information in rate making determinations. Furthermore, the administrative costs and manpower of developing and maintaining separate reporting and accounting systems in each state and/or each locality are substantially reduced.

HISTORY

5. Annual financial reporting for cable television originated on October 14, 1971, when the Commission issued its Third Report and Order in Docket 18397, FCC 71-1035, 32 FCC 2d 13 (1971). In the cited action, it was indicated that periodic filings by cable operators are necessary to enable the Commission to keep abreast of cable developments, fulfill its regulatory responsibilities in this field, and assist Congress in its consideration of related legislative proposals. The first Financial Form—(FCC Form 326) required the respondent to report pre-tax revenue and expense data, original cost and depreciation information on tangible and intangible property, non-recurring telephone company lease-back charges, and employment data.

6. After three years of filings using the original FCC Form 326, it became evident that the information was not sufficient to monitor the financial developments of the industry. Several changes in FCC Form 326 were made in the Commission's Report and Order in Docket 20247, FCC 75-658, 54 FCC 2d 811 (1975), with the purpose of obtaining more complete and reliable financial data and to ease the reporting burden. The changes were as follows:

(a). A restructured format designed to resemble standard business bookkeeping schedules;

(b) A new schedule which contains the basic balance sheet accounts;

(c) A reduction of the restrictions on consolidated reporting and fiscal year reporting;

(d) An addition of clarifying definitions of all terms.

7. During the proceedings for changes in FCC Form 326, it was recognized that an accounting or reporting system should be adopted so that the collected financial data would be uniform. It was recognized that the development of such a system would be of value to all parties concerned: state and local regulatory bodies, the cable television industry, and the Commission. In view of these objectives, the Commission staff met with industry representatives and the accounting committee of the Conference of State Cable Agencies to discuss areas of concern. A uniform schedule of accounts was developed to serve as a guideline for the cable television industry, which was subsequently incorporated into the revised FCC Form 326. Various policy questions discussed at these meetings were, in turn, incorporated into a proposed study for an outside contractor.

8. The contract study, awarded to Price-Waterhouse and Co. in September 1975, had as its purpose the completion of four major tasks: (1) the collection of data concerning the current accounting practices of cable operators; (2) the evaluation of this data in regard to the effect of alternative accounting practices upon FCC information needs; (3) the identification and analysis of critical issues and the benefits or drawbacks to both government and industry of alternative solutions; and (4) the development of final recommendations and the preparation of account and line item definitions for Form 326.¹

DISCUSSION

9. As the Price-Waterhouse Study indicated, there are two primary means of satisfying the need for uniform financial data:

(a) Adoption of a uniform accounting system which includes precise accounting standards.

(b) Adoption of a reporting system which includes disclosure of accounting procedures.

The second alternative, a reporting and disclosure system, is being proposed by the Commission after a thorough review of its needs, comments from various states and industry representatives and the recommendations of the contractor's study. Four major criteria were utilized in examining the efficiency of each alternative:

(a) The Federal Government's regulatory informational needs;

¹ The contractor's study entitled "Study of Accounting Policy Issues and Other Considerations Related to the FCC Cable Bureau's Financial Reporting System for Cable Television Operators" is available for public perusal in the Cable Television Bureau Reference Room, Federal Communications Commission, Washington, D.C.

(b) The impact upon cable operators;
 (c) The extent to which state and local regulatory informational needs are satisfied;

(d) The maintenance cost to the Federal Government.

10. Although a uniform system of accounts with precise accounting standards, detailed bookkeeping practices, and an established financial reporting format would satisfy the Commission's informational needs, it would also generate much detailed information not needed by the Commission. The Commission is primarily interested in a level of information which will provide it with the ability to make comparisons based upon basic financial indicators, and this does not require precise uniformity of accounts. Typically, a uniform system of accounts is used only in regulating rates of large public utilities when it is considered that competition cannot be relied on to provide adequate service at a reasonable price. Since the cable television industry is relatively small when its revenues and subscribers are compared with public utilities, and since detailed rate base regulation has rarely been utilized by states and localities, the establishment of a nationwide uniform system of accounts would appear to be overly burdensome and costly to the industry and all levels of government. Furthermore, it is possible that cable television may never be subject to detailed rate base regulation on a large scale because of the existence and continuing development of competing modes of visual home entertainment (i.e., off-the-air broadcast signals, cassette television) which might reduce the economic justification for such regulation.

11. In terms of the impact on cable operators, those types of accounting or reporting systems which would require cable operators to alter or modify bookkeeping practices or change accounting policies have significant greater costs and manpower requirements. For example, requiring a cable operator to recode his entire accounting records and documents and to change accounting policies would necessitate many more man-hours than requiring operators to prepare an additional disclosure schedule. We also ask comment on the need for extensive financial information from very small cable operators, for example, those who own a cable system or a cluster of cable systems which serves approximately 500 or fewer subscribers (or some other level).²

12. A third primary area for consideration was the extent to which state and local regulatory needs could be satisfied by a reporting system rather than a mandated uniform accounting system.

For states and localities which currently regulate the rates of cable television systems, it was found that the prevailing method in regulating rates is the rate review method. The rate review method is primarily a simplified analysis of a cable operator's actual net income or operating income as a function of total assets, net assets or fixed assets. For state and local bodies using the rate review method, the proposed reporting and disclosure system should provide sufficient data, assuming that the reporting entity for the Commission corresponds to the cable system to be regulated. For the few cases where a rate base method (a utility type regulation) is used, the proposed reporting and disclosure system would have to be expanded to add standardized accounting practices. Because the concept of original cost is included in the definition of this proposed reporting system, many state and local governments may find this provision sufficient for their regulatory methods, even if it includes an abbreviated rate base.

13. A final important criterion for evaluating the acceptability of proposed alternatives was the cost impact upon the FCC to operate the system. Such costs would include staff time to issue materials and answer questions regarding forms, instructions, and procedures. Also included would be the costs associated with verifying that all provisions of the system were being adhered to and the costs associated with revising the system as necessary. While both a uniform accounting system and a reporting and disclosure system would involve issuing materials and updating the system, a uniform accounting system would involve setting standard accounting and record-keeping practices. With the variety of circumstances faced by cable operators, many might justifiably request waivers of the specific accounting policies mandated by a uniform accounting system. The man-hours of staff time involved in resolving these questions could result in significant incremental costs to the FCC. Lower costs would be incurred by a reporting system similar to the system presently administered by the FCC Cable Television Bureau.

14. The proposed reporting and disclosure system would include the following changes in the FCC Form 326 (see Attachment A):

(a) Schedule 4, which requires information pertaining to non-recurring telephone company charges, would be deleted.

(b) A new schedule would be added which would disclose accounting procedures used in selected accounts such as Deferred System Development Costs, Franchise Costs, Goodwill, Capitalized Interest on System Construction, Overhead Costs Allocated to System, and

Original Cost of Purchased Assets. This schedule would also include disclosure of expenses which represent payments to owners and their relatives.

(c) Schedule 2, which requires income statement information, would include several account changes. The revenue format would be more compact, eliminating the need for separate accounts in the "other revenue" category. An account would be added for the copyright fees paid in compliance with the Copyright Act of 1976, Pub. L. 94-553, 90 Stat. 2541. Also, the account items "Total Profit (or Loss)" and "Total Federal and State Income Taxes" would be deleted.

(d) Only Schedules 2, 3, and 4 would remain confidential. Although the present form is entirely confidential, it is considered that Schedules 1 and 5 contain information regarding communities served, FCC system code, installation fees and subscriber fees. Schedule 5 requires information regarding number of full time and part time employees.

15. It is proposed that Schedule 4 (Non-recurring telephone company charges) be deleted because it no longer applies to most cable television systems. After four years of requesting this information, we have found that these charges have dwindled in importance to the industry as a whole.

16. The proposal for a disclosure schedule is one of the most important issues in this proceeding. The degree of reliability of reported financial data depends largely on the degree of disclosure. However, full disclosure of accounting methodology and flow of funds is nearly as burdensome as, if not more so than, a uniform system of accounts, and it would also elicit much information not needed by the Commission. Although record-keeping practices used among cable television operators vary considerably, only a few practices affect the meaningfulness of the financial data to any significant degree. In this regard the Price Waterhouse contract study identified a few critical accounting practices which can potentially affect the reliability of the financial data (see pages 30-34 of the contract study for a detailed discussion of these practices). By requiring selected details concerning these more critical accounting practices and some flow-of-funds information, the reliability of collected financial data would be significantly improved without an extraordinary burden on the reporting entity.

17. The changes in Schedule 2 are proposed either to reduce filing burden or to add information. The revenue format is proposed to be modified by deleting the distinction between "subscriber" and "non-subscriber" revenues as major categories. It has been our experience that there is no current or short-run future need to separate "other revenues" into

² This question was deferred for consideration herein at paragraph 63 of the First Report and Order in Docket 20561, FCC 77—.

"subscriber" and "non-subscriber" accounts. Since copyright fees for the use of off-the-air broadcast signals are only a very recent expense, resulting from the Copyright Act of 1976, it is important to monitor their impact on the industry. Therefore, an account is proposed to be added in Schedule 2 for such copyright fees. The proposal to delete the "Federal and State Income Tax" account is based largely on the fact that it is not necessary to compute critical financial indicators. Furthermore, this account varies too widely to be meaningful, because of several outside factors such as ownership type, recent ownership transfers, and prior earnings or losses.

18. The reporting and disclosure requirements and instructions would include the following (see Attachment B):

(a) A continuation of the present consolidated reporting, which allows a single reporting entity to include those communities within a 40-mile radius of an owner-designated point, keeping a consolidated set of bookkeeping records, and technologically connected either (private) microwave or by cable.

(b) A continuation of fiscal year reporting in lieu of calendar year reporting.

(c) A revised and more complete set of instructions which provides respondents with a detailed definition for each account and the line item number on Form 326 which corresponds to each account. By providing a means for posting their accounts to the FCC reporting form, these instructions allow reporting units to maintain their accounts in whatever manner is most suitable to them, assuming of course that generally accepted accounting principles are used.

(d) Guidelines are provided for separating cable from non-cable data in consolidated accounts, separating accounts which are consolidated for two or more reporting entries, and allocating corporate overhead costs.

(e) An appendix which simplifies instructions for relatively small privately-owned cable operations having uncomplicated accounting procedures.

19. It is also proposed that small cable operators, who serve 500 or fewer subscribers, be exempted from filing Schedules 3 and 4 (the balance sheet and disclosure schedules). This is proposed primarily because the Commission rarely needs extensive financial data for cable television systems in this size category. Furthermore, the economies of scale for these very small cable television systems are such that the expense and burden of filing these schedules are proportionally higher than for larger operations.

20. The Commission is interested in comments which are directed to the following general issues:

(a) The extent to which more or less reporting and disclosure is necessary to meet the regulatory needs of each level of government;

(b) The limits of a reasonable national reporting burden on the cable television industry given the current and expected future regulatory structure.

21. The Commission encourages comments on specific issues, such as the following:

(a) The reliability of data resulting from the proposed account allocation methods;

(b) The reliability and burden of the proposed definition of "original cost" as used in the plant accounts;

(c) The burden of the proposed reporting system upon small operators, however they may be defined;

(d) A multiple system operator's difficulties in separating balance sheet accounts that are normally consolidated in "cost centers";

(e) The need of state and local regulators to have data reported on a calendar year rather than on a fiscal year;

(f) The difficulties of reporting for a non-profit organization;

(g) Interpretation problem relating to any specific definition;

(h) The burden and reliability of reporting resulting from the proposed structure of the income statement and balance sheet schedules;

(i) Special problems of reporting for partnership and proprietorships;

(j) The necessity to vary reporting requirements in relation to size or type of cable television system.

22. Authority for the proposed rule making and inquiry instituted herein is contained in Sections 4 (i), (j), and (k), 303 and 403 of the Communications Act of 1934, as amended.

23. All interested persons are invited to file written comments on the rule making proposal on or before June 3, 1977, and reply comments on or before June 13, 1977. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this matter, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

24. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and 5 copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in the rule making proceeding may do so by submitting one copy of their comments, without regard to form, provided only that the Docket Number is specified in the heading. Such informal participants who wish responsible members of the staff to have a personal copy and to have an extra copy available for the Commissioners may file an additional 5 copies. Responses will be available for public inspection during regular business hours in the Commission's Dockets Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M St. NW.).

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

FCC Form 326
July 1975

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

ATTACHMENT A
GAO No. B-183227 (R205)

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CABLE TELEVISION ANNUAL FINANCIAL REPORT

For Period Beginning _____, 19____ and Ending _____ 19____

A separate FCC Form 326 must be filed for each cable television system except where group filings comply with the consolidation provision set forth in the following paragraph. Each separate and distinct community or municipal entity (including unincorporated areas and single, discrete unincorporated areas) served by cable television facilities constitutes a separate cable television system, even if there is a single headend and identical ownership of facilities extending into several communities. An FCC Form 326 shall be filed for a cable television system within 90 days of the close of its latest fiscal year on an annual basis. All information contained in the form shall be stated as of the last day of the fiscal year.

Where cable television systems, as defined above, are under common ownership and managed as a single operating entity a consolidated form may be filed in accordance with the following criteria. A single operating entity involves only those systems within a 40-mile radius of an owner-designated reference point which keep a consolidated set of bookkeeping records, and are technologically connected either by private microwave or by cable. Any intention to provide consolidated data for systems which do not meet the above criteria must receive prior Commission approval. The Commission reserves the right to challenge any consolidations.

Detailed instructions and account definitions are attached to this form.
Schedules 2, 3 & 4 are to be treated as confidential.

- REMOVE ONE OF THE LABELS FROM THE COVER SHEET OF THIS FORM AND PLACE HERE

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- IF LABELS HAVE NOT BEEN PROVIDED OR THE INFORMATION IS INCORRECT, INDICATE THE PROPER INFORMATION BELOW

SYSTEM CODE	SYSTEM COMMUNITY
LEGAL NAME OF ENTITY DIRECTLY OPERATING LOCAL SYSTEM	
LOCAL TRADE NAME (IF USED)	
MAILING STREET ADDRESS OR P.O. BOX	
MAILING CITY	STATE ZIP

- INDICATE THE INTERNAL REVENUE SERVICE EMPLOYER IDENT (E.I.) NO. FOR THE LOCAL BUSINESS ENTITY DIRECTLY OPERATING THE LOCAL SYSTEM. IF OPERATOR IS PERSON WITH NO EMPLOYEES AND NO E.I. NO., USE SOCIAL SECURITY NO....

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PROPOSED RULES

FCC Form 326 SCHEDULE 2. CABLE TELEVISION REVENUES AND EXPENSES		
Line No.		AMOUNT (OMIT CENTS)
	OPERATING REVENUES	\$
1	Installation Income	
2	Regular Subscriber Revenues	
3	Per Program or Per Channel Income (Pay Television)	
4	Advertising Income	
5	Special Service Income	
6	Other Revenues	
7	TOTAL OPERATING REVENUES	
	OPERATING EXPENSES	
	SERVICE COSTS:	
8	Salaries, Wages and Employee Benefits	
9	Pole and Duct Rentals	
10	Private Microwave Service (CARS)	
11	Common Carrier Microwave Service	
12	Total Tariff (Leaseback) Charges (applies only to Systems receiving telephone company channel service)	
13	All Other Service Expenses	
	ORIGINATION EXPENSES:	
14	Salaries, Wages and Employee Benefits	
15	ALL OTHER ORIGINATION EXPENSES	
	SELLING, GENERAL AND ADMINISTRATIVE EXPENSES:	
16	Salaries, Wages and Employee Benefits	
17	Franchise Fees	
18	Copyright Fees	
19	ALL OTHER SELLING, GENERAL AND ADMINISTRATIVE EXPENSE	
20	TOTAL OPERATING EXPENSE	
21	TOTAL OPERATING INCOME	
	DEPRECIATION AND AMORTIZATION	
22	Depreciation	
23	Amortization	
	OTHER INCOME AND EXPENSES	
	OTHER INCOME:	
24	Total Other Income	
	OTHER EXPENSES:	
25	Interest	
26	Miscellaneous	
27	TOTAL OTHER INCOME (OR LOSS)	
28	EXTRAORDINARY ITEMS	
29	TOTAL PROFIT (OR LOSS) BEFORE TAXES	

FCC FORM 325		SCHEDULE 4		SUPPLEMENTAL ACCOUNTING INFORMATION			
		Amortization Term (in years)	Amortization Method Used 1/	Amount Capitalized During Year	Amount Amortized During Year		
Part A							
1. Deferred System Development Costs (ANNUAL)				\$			
2. Franchise Costs (recorded as assets) (ANNUAL)				\$			
3. Goodwill (ANNUAL)				\$			
1/ codes: 1 straight line; 2 declining balance; 3 sum-of-the-year's digits; 4 other							
		Total Capitalized		Amount Capitalized During Year	Useful Life(Yrs.)		
Part B							
4. Capitalized Interest on System Construction		\$		\$			
		Total Amount of Asset	Amount Not Being Amortized	Amount Being Amortized			
Part C							
5. Deferred System Development Costs		\$		\$			
6. Franchise Costs (recorded as assets)		\$		\$			
7. Goodwill		\$		\$			
		Total Amount of Allocated Costs		Method Used to Allocate Costs to System 2/			
Part D							
8. Overhead Costs Allocated to System							
2/ codes: 1 per number of subscribers 2 per gross revenues 3 per miles of plant 4 other							
		Amount					
Part E							
9. Original Cost of Purchased Assets (Seller's Book Value)						\$	
10. Portion of Purchase Price Allocated to Seller's Book Value						\$	
11. Recorded Cost of Purchased Assets by Purchaser						\$	
		Fixed Asset Classification	Amount	Useful Life(Yrs.)	Fixed Asset Classification	Amount	Useful Life(Yrs.)
Part F							
12. Estimated Useful Lives of Fixed Assets							
Part G							
		Amount		Number of Persons			
13. Salaries to Owners		\$					
14. Other Direct Payments		Total Amount					
		\$					
Check for Type of Payment Included in Total							
___ Rent ___ Payments for Services ___ Payments for Equipment							
___ Payments for Supplies ___ Travel & Entertainment Expenses							
___ Other							
15. Expense Payments to Spouse or Relatives		Total Amount					
		\$					
Check for Type of Payments Included in Total							
___ Rent ___ Payments for Services ___ Payments for Equipment							
___ Payments for Supplies ___ Travel & Entertainment Expenses							
___ Other							

SCHEDULE 5. EMPLOYMENT		
Indicate the number of employees for the workweek in which the last day of the Fiscal Year fell.	Number of Employees	
	FULL TIME	
	PART TIME	

CERTIFICATION
<p>This report must be certified by the individual owning the reporting cable television system, if individually owned; by a partner, if a partnership; by an officer of the corporation, if a corporation; or by a representative holding power of attorney in case of physical disability of an individual owner or his absence from the United States.</p> <p>I certify that I have examined this report, and that all statements of fact contained therein are true, complete, and correct to the best of my knowledge, information, and belief, and are made in good faith.</p>
<div style="display: flex; justify-content: space-between;"> <div>Signature</div> <div>Title</div> </div>
<div style="display: flex; justify-content: space-between;"> <div>Printed name of person signing</div> <div>Date Signed</div> </div>

ATTACHMENT B

INSTRUCTIONS FOR FILING FCC FORM 326

Section 1—General Instructions

- 1.1 File one copy of this form with the Federal Communications Commission, Washington, D.C. 20554, Room 6216. Do not return these instructions to the Commission.
- 1.2 A Form 326 shall be filed for a cable television system on an annual basis within 90 days after the close of its latest fiscal year. All information contained in the form shall be stated as of the last day of the fiscal year.
- 1.3 Definition of a cable television system: (Section 76.5(a) of the Commission's Rules).

Cable television system

A nonbroadcast facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment, under common ownership and control, that distributes or is designed to distribute to subscribers the signals of one or more television broadcast stations, but such term shall not include (1) any such facility that serves fewer than 50 subscribers, or (2) any such facility that serves or will serve only subscribers in one or more multiple unit dwellings under common ownership, control or management.

- 1.4 This report must be certified by the individual owning the reporting cable television system, if individually owned; by a partner, if a partnership; by an officer of the corporation, if a corporation; or by a representative holding power of attorney in case of physical disability of an individual owner or his absence from the United States. Willful false statements made on this form are punishable by fine or imprisonment. (U.S. Code, Title 18, Section 1001).
- 1.5 All pertinent schedules of this form must be completed for every filing. [The only exception to this requirement is for small cable operators who own a single cable television system which serves fewer than 500 subscribers. Cable operators who meet these criteria are exempt from filing schedules 3 and 4 (the balance sheet and disclosure schedule) of FCC Form 326]. Incomplete filings will not be accepted and will be returned to the respondent for completion. Copies of income tax returns should not be sent. Financial statements and other such information will not be acceptable in lieu of a completed Form 326.

- 1.6 The financial information disclosed in Schedules 2 and 3 must present fairly the respondent cable television system's financial position in conformity with "generally accepted accounting principles" on a consistent basis. The term "generally accepted accounting principles" refers to the issued Opinions of the Accounting Principles Board and the rulings of the Financial Accounting Standards Board. This applies to every account except those affected by the "original cost" definition. It is required that the accrual basis of accounting be used in preparing the financial information for this form.
- 1.7 A consolidated form is permitted for those communities within a 40-mile radius of an owner-designated reference point, keeping a consolidated set of bookkeeping records, and technologically connected either by private microwave or cable. A cable operator may be allowed to consolidate a filing, with prior Commission approval, for systems that are not technologically connected if these systems are within a 40 mile radius of a designated reference point and operationally integrated.

- 1.8 There may be financial entities, as defined by a company's bookkeeping practice, which do not conform to the entities allowed for reporting purposes of the Form 326, particularly in the allocation of certain line items in the balance sheet schedule. In cases such as these, the cable operator must use generally accepted cost accounting techniques to estimate the line items, and he must indicate by a footnote which accounts are estimated and what estimating methods are used for each account. Detailed examples on allocating accounts are provided in Section 3 of these instructions.

- 1.9 If the respondent company includes business activity other than cable television service (such as broadcasting), those accounts which include such activities must be properly separated or allocated so that only cable television service financial information is disclosed in the Form 326. For those respondents who cannot separate cable television service-related financial information from other lines of business because of consolidated bookkeeping records, those affected accounts should be separated by generally accepted accounting techniques and footnotes should be included which indicate the affected accounts and allocation methods used. Detailed guidelines on acceptable methods for separating accounts are provided in Section 3 of these instructions.
- 1.10 Filings on behalf of small, privately-owned cable television systems should refer to Appendix A for simplified instructions.
- 1.11 Specific instructions for each schedule in Form 326 are provided in Section 2 of these instructions.

Section 2—Schedule Instructions and Account Definitions

2.1 Schedule 1 Instructions:

- 2.1.1 Respondents filing Form 326 for the first time must complete Schedule 1 by listing each community included in this financial report.
- 2.1.2 For each community listed, the system code, installation fee and subscriber fee information must be included.
- 2.1.3 The system code number is generally assigned by the Cable Television Bureau at the time of certification. It appears on the Certificate of Compliance as the "System Community Indent". If no number has been assigned leave blank.
- 2.1.4 The installation fee information to be entered in this schedule is the standard fee charged for the initial installation of a single drop for a single television set.
- 2.1.5 The subscriber fee information to be entered in this schedule is the standard monthly charge for basic cable television service.

- 2.1.6 After initial filings are on record, Schedule 1 will be pre-printed based on the filings of the preceding year. If any of the communities listed are no longer served by the owner-respondent, draw a line through that community to be deleted. If any additional communities are to be included in a consolidated filing, fill in the space provided for such additions. Installation and subscriber fees must be entered for each community.
- 2.1.7 Submit as an Exhibit (a rate card is preferred) per program or per channel charges, i.e. pay cable charges, if any.

2.2 Schedule 2 Instructions and Definitions:

- 2.2.1 The financial information entered in Schedule 2 must apply to only those business activities related to the operation of cable television services.
- 2.2.2 Accounts must be entered as defined in this section. If allocations or separations of accounts are necessary because bookkeep-

ing records are consolidated, refer to Section 3.

- 2.2.3 "Proprietor or Partner Withdrawals"—From business operations that are not compensation for work performed must not be reported as an expense nor appear in any account in Schedule 2. Those payments to owners which may be classified as operating expenses directly related to the operation of the cable television system should be reported in Schedule 4, Part G as well as in Schedule 2.

2.2.4 Schedule 2 Definitions:

"Operating Revenues" are all revenues which directly result from the rendering of services connected with the cable television activity.

Line No.

1. "Installation Revenue"—Revenue earned from services rendered to subscribers for connecting subscribers to the cable system (drops), relocating cable connections and installing additional connections.
2. "Regular Subscriber Revenue"—Revenue earned from regular, periodic charges for cable television service. This amount should not include pay cable or other service charges that are in addition to the basic subscriber charges.
3. "Per Program or Per Channel Revenue"—Revenue earned from charges for per program or per channel services (commonly called pay cable services). The services must not be obtainable from regular subscriber charges. Revenue from pay cable related lease agreements, converter rentals and other related revenue from subscribers should be included on this line.
4. "Advertising Income"—Revenue earned from advertisements appearing over cable-casting channels (cable origination).
5. "Special Services Revenue"—Revenue (other than pay cable services) earned from the lease or sale of time or studio and cable facilities.
6. "Other Revenue"—All revenue derived from operation of the cable television system not included in any other revenue accounts.
7. "Total Operating Revenue"—The total amount of revenues as entered on lines one through six of Schedule 2, as defined above. "Operating Expenses" are all expenses which directly result from the rendering of services connected with the cable television activity. This category does not include expenses directly related to construction in progress, which should be entered on Schedule 3, line 10. "Service Expenses" are all expenses directly related to receiving and distributing signals to the community(s) served by the cable television system.

Line No.

8. "Salaries, Wages and Employee Benefits"—The expenses for services of all employees of the system engaged in technical activities and maintenance required to receive and distribute signals to the communities listed in Schedule 1. Applicable expenses include: salaries and wages for all hours worked by employees, employer payroll taxes, vacation, bonus, and profit-sharing payments, pension costs and life and hospitalization insurance costs (Does not include salaries, wages and employee benefits that are capitalized in construction accounts).
9. "Pole and Duct Rentals"—The rental cost of pole attachments and duct space. Site rentals are to be included in "All Other Service Expenses".
10. "Private Microwave Service"—The expenses of receiving microwave transmissions from private sources of microwave service (not the cost of receiving micro-

- wave service from common carriers; see next definition). Costs are included on this line for CARS, or other private microwave services.
11. "Common Carrier Microwave Service"—The cost of receiving microwave transmissions from Common Carrier public microwave relay service including service charges, equipment rental or other related costs.
 12. "Total Tariff Charges"—The cost of receiving channel service from a telephone company. If such services are not obtained, leave this line blank.
 13. "All Other Service Expenses"—The expenses of receiving and distributing cable signals which have not been included on lines 8 through 12. All expenses entered on this line must directly relate to providing cable services. Such expenses include: the cost of expendable maintenance materials, payments to utilities for heat, light and power, the non-labor expenses related to operation of service vehicles, rent, supplies and telephone services.
"Origination Expenses"—The expenses directly related to program origination including automated and non-automated program origination such as the purchase or production of films, features, local news, weather, sports events or other programming over the cable system(s).
 14. "Salaries, Wages and Employee Benefits"—The expenses for services of all employees engaged in the origination of programming. Applicable expenses include: salaries and wages for all hours worked, employer payroll taxes, vacation, bonus and profit-sharing payments, pension costs, and life and hospitalization insurance costs.
 15. "Other Origination Expenses"—All other origination expenses not included in Salaries, Wages and Employee Benefits.
"Selling General and Administrative Expenses"—The expenses directly related to selling, general and administrative activities, such as advertising, insurance, property taxes, traveling expenses, utilities and telephone and office supplies.
 16. "Salaries, Wages and Employee Benefits"—The expenses of employees engaged in selling, general and administrative activities directly related to the operation of the cable system. Applicable expenses include: Salaries and Wages of employees engaged in promoting and advertising the system as directed towards prospective subscribers and advertisers, system manager's salary, and all other salaries and wages not included as service or origination expenses, employer payroll taxes, vacation, bonus and profit sharing payments, and life and hospitalization insurance costs.
 17. "Franchise Fees"—The franchise fees payable under the Company's franchise agreement which are applicable to current operations.
 18. "Copyright Fees"—Copyright fees for broadcast signal carriage (as defined by 17 U.S.C. Section 111) "Limitations on exclusive rights: secondary transmission". This account should not include the cost of cablecast and film rights which are classified as assets and are recorded in Schedule 3.
 19. "All Other Selling, General and Administrative Expenses"—The total of all selling, general and administrative expenses not included in lines 16, 17, and 18 such as, utilities and telephone, local property taxes, accounting and legal fees, bad debts expense, insurance, management fees and corporate overhead allocations.
 20. "Total Operating Expenses"—The total of Lines 8 through 19.
 21. "Total Operating Income"—The difference of the amount entered on line 7 less the amount entered on line 20 of Schedule 2. This amount is the total operating income (or operating margin) for the system(s) which comprises this report.
 22. "Depreciation"—The amount provided annually for allocating the cost of the fixed assets that are entered on Schedule 3, including plant and adjustment and amortization of leasehold improvements. Depreciation expense allocates the cost of fixed assets over their estimated economic life.
 23. "Amortization"—The amount provided annually for allocating the cost of the intangible assets entered on Schedule 3 that are normally capitalized. Amortization expense should allocate the cost of intangible assets over the expected periods benefitted.
 24. "Other Income"—The revenue earned from sources not directly related to the operation of a cable system such as interest, dividends, gains from the sale or disposal of fixed assets and gains from the sale of marketable securities.
 25. "Interest Expense"—The amount of the interest expense of obligations, such as notes, bonds and mortgages payable. This should not include interest charged to construction in-progress or intercompany interest charges for the use of debt or equity capital.
 26. "Miscellaneous"—The amount of all other expenses not directly related to the operation of a cable television system, such as corporate overhead, management fees, credits allocated to systems by parent corporations, losses from the sale or disposal of fixed assets, and losses from the sale of marketable securities.
 27. "Total Other Income (or Loss)"—Line 24 less lines 25 and 26.
 28. "Extraordinary Items"—The amount of income or loss resulting from an event or transaction not reasonably expected to recur in the foreseeable future or an event or transaction that is unusual in nature. Do not include gains or losses from the sale or disposal of fixed assets or from the sale of marketable securities.
 29. "Total Profit (or Loss) Before Taxes"—The sum of lines 21, 27 and 28 less lines 22 and 23.
- 2.3 Schedule 3 Instructions and Definitions:**
- 2.3.1 The financial information entered in Schedule 3 must apply to only those business activities related to the operation of cable television services.
 - 2.3.2 Accounts must be entered as defined in this section. If allocations or separations are necessary because bookkeeping records are consolidated, refer to Section 3 of these instructions.
 - 2.3.3 Schedule 3 Definitions:
"Current Assets"—Those assets which are expected to be converted into cash or consumed in business operations within a short period of time (one year).
- Line No.**
1. "Cash"—The total amount of cash on hand or on deposit in banks, including interest-bearing certificates of deposit. Do not include amounts resulting from banking arrangements permitting automatic loans by writing overdrafts. These amounts should be classified as loans payable.
 2. "Accounts Receivable"—The amounts due from subscribers, advertisers or other trade accounts. Also any amounts due from employees, officers, or any other party. Include only those amounts expected to be collected within one year. Include accrued interest if earned but not yet received. Do not include collections made in advance nor accounts deemed uncollectable.
 3. "Other Current Assets"—All other current assets not included in lines 1 or 2, such as: short-term investments, inventory, pre-
- paid expenses, and the current portion of cablecast and film rights.
4. "Total Current Assets"—The total of lines 1 through 3.
"Fixed Assets"—Capital Assets used for operation which have a life expectancy of more than one year. Fixed Asset items must be reported in terms of original cost. Original Cost is defined as the cost of the fixed asset item when it is first put in use for cable television service. If in the process of an ownership transaction, consummated before August 1, 1975, the original cost data has been lost, the respondent may use allocated costs in lieu of original costs providing it is indicated in a footnote. If allocations are necessary, refer to Section 3 of these instructions.
 5. "Land and Buildings"—The cost of real property, its acquisition costs, costs of permanent improvements, office buildings and headend shack.
 6. "Headend"—The cost of tower, antennae, electronic equipment and all other equipment related to the headend, including time and weather channel equipment. The cost of the head-end building should be included on line 5, not on this line.
 7. "Trunk and Distribution System"—The cost of trunk and distribution lines in-use to deliver cable signals to subscribers. This includes the costs of owned poles (including related guys, anchors, messenger cable and pole hardware), trunk and distribution cable (including lashing wire, splices and connectors), amplifiers and power supplies (including housing and associated hardware and electronic equipment). This also includes rebuilt trunk and distribution plant in-use.
 8. "Subscriber Devices"—The costs associated with connecting a subscriber to the system. This includes costs of installing or placing into service taps, blocks, transformers, cable, converters and other subscriber connection devices.
 9. "Program Origination Equipment"—The cost of all equipment used for program origination and located at the cable studio or program origination site. Program origination equipment includes cameras, studio equipment, film processing equipment, video recording equipment, editing recorder monitor, and production consoles.
 10. "Construction Work in Progress"—The cost of uncompleted construction of buildings, improvements and equipment. Once construction of specific assets is completed to the point of use, the associated costs should be transferred to the appropriate fixed asset account.
 11. "Other Fixed Assets"—The cost of all fixed assets utilized for the operation of the cable system and not included in any other fixed asset account. Examples of fixed assets whose costs should be included in the amount entered on this line are: test equipment, automobiles and trucks (vehicles), office equipment, leasehold improvements and capitalized leased property (if any).
- Line No.**
12. "Plant Adjustment"—If the accounting records of the cable operator are maintained on the basis of the seller's original cost of purchased cable assets, enter on this line the difference between the original cost of the purchased assets and the appraised fair value of these assets at the time of purchase (called plant adjustment). This does not include any amount recorded as goodwill or franchise costs; only the excess of the appraised fair value over the seller's book value of purchased, tangible assets. If in the process of ownership transactions, consummated before August 1, 1975, the original cost data has

been lost, the respondent may use allocated costs in lieu of original costs providing it is indicated in a footnote. If allocations are necessary refer to Section 3 of these instructions.

13. "Accumulated Depreciation"—The cumulative portions of the original cost of all tangible, depreciable assets included in Fixed Assets Accounts (which includes Plant Adjustment) in this schedule that have been allocated as an expense for the current year and appropriate preceding years. Common forms of allocating original costs of fixed assets to expenses are: the straight line method, the sum-of-digits method and the declining balance method.
14. "Total Fixed Assets"—The total of lines 5 through 14.
15. "Total Other Assets"—The total of the costs of all other assets not included on any previous line of Schedule 3. The assets whose costs should be entered on this line include intangible assets such as goodwill, franchise costs, the costs of licenses, permits or other intangible assets, deferred development costs (start-up costs), non-current cablecast and film rights, unamortized bond discount, deposits and cash value of life insurance.
16. "Accumulated Amortization"—The cumulative portions of the original cost of all amortizable assets that have been allocated as an expense for the current year and appropriate preceding years.
17. "Total Other Assets"—Line 15 less line 16.
18. "Total Assets"—The total of lines 4, 14 and 17.

"Current Liabilities"—Those obligations to be liquidated by the use of existing current assets within one year.

19. "Loans Payable"—The amount of debt payable within one year under terms of an agreement with a financing institution such as banks and insurance companies. This includes funds received through banking arrangements providing automatic protection of overdrafts.
20. "Accounts Payable"—The amount payable for goods and services received from vendors and suppliers and the amounts accrued as expenses for obligations which are due but have not been paid.
21. "Other Current Liabilities"—The amount of all current liabilities not included on lines 19 and 20. Examples of current liabilities which would be included on this line are: unearned subscriber revenues (subscriber payments for services to be provided in the future), refundable subscriber deposits, income tax liabilities currently payable, amounts payable within one year on cablecast and film rights (contracts), and dividends payable.
22. "Total Current Liabilities"—The total of lines 19, 20 and 21.
23. "Total Deferred Credits"—Revenues that are deferred into a future operating period. This arises upon the receipt of an asset preceding the period in which the asset is considered to be earned, such as investment credit or deferred tax liabilities. This account also includes any other liabilities not included as a current liability (on lines 19, 20 and 21) or long-term debt (on line 24).
24. "Total Long-Term Debt"—The amount payable after one year to all holders of debt securities, notes and agreements and other long-term liabilities for which the cable operator is legally obligated. The amount of liabilities (non-current) arising from capitalized leases and unamortized bond premiums is to be included on this line.

25. "Total Stock Issued"—The amount of par or stated value of common and preferred stock issued, capital in excess of par and all other capital contributions, less the cost of capital stock repurchased and held in the treasury. This line does not apply to proprietorships or partnerships.
26. "Proprietor's Equity"—The amount owned by the proprietor, partners or joint venture members. This amount includes undistributed earnings less the amount of drawings or distributions. This line does not apply to incorporated businesses.
27. "Retained Earnings"—The amount should represent the accumulated balance of earnings in prior years which has not been otherwise classified by action of the directors or declared as payable to stockholders as dividends, whether paid yet or not. This amount is often called Earned Surplus or Re-Invested Income and does not represent any specific asset. This line does not apply to proprietorships or partnerships.
28. "Other Owners Equity"—The amount of all other equity, not included on lines 25, 26 or 27. Examples of amounts which should be entered on this line are the fund balances for nonprofit or municipal cable systems.
29. "Total Owners Equity"—The total of lines 25, 26, 27 and 28.
30. "Total Liability and Owners Equity"—The total of lines 22, 23, 24 and 29.
31. "Method of Depreciation Used"—Indicate the depreciation method used by one of the following codes:

Code No.	Method
1-----	Straight line.
2-----	Declining balance.
3-----	Sum-of-the-year's digits.
4-----	Other.

2.4 Schedule 4 Instructions.

2.4.1 *General Instructions*: If there has been no system construction or expansion within five years, Parts A, B and C of Schedule 4 should be left blank. If all costs can be identified with the particular reporting system(s) and directly relate to the operation of this reporting entity, Part D should be left blank. If the operator is the original owner of the assets of this reporting entity, Part E should be left blank. All operators must fill out Part F, of Schedule 4. If payments which may be classified as operating expenses are made to system owners or their relatives, Part G must be filled out.

2.4.2 Schedule 4—Explanation of Terms:

- Line No.*
1. and 5. "Deferred System Development Costs"—Include operating, promotional, general and administrative costs, net of incidental revenues, incurred prior to becoming "operational", which are deferred (capitalized) and subsequently amortized over the future periods benefited by these costs (usually five to fifteen years). Deferral of system development costs must be based upon relative certainty that they will be recovered, not deferred solely because an operator is in the development stage.
 2. and 6. "Franchise Costs"—represent the costs of obtaining franchises and include legal expenses and other costs associated with franchises.
 3. and 7. "Goodwill"—Is recorded in the accounting records of cable operators when a cable system is purchased at a price in excess of the fair value of the assets acquired less liabilities assumed and represents that portion of the purchase price that cannot be related to the identifiable assets.

4. "Capitalized Interest on System Construction"—Interest costs that are directly related to system construction may be depreciated much the same as other construction costs.
8. "Overhead Costs Allocated to System"—are costs which cannot be identified with any particular cable system and are accumulated in corporate accounts. These costs include the salaries, wages and employee benefits of the corporation's officers and directors, other corporate selling, general and administrative expenses, management fees and federal and state income taxes payable. Overhead costs must be allocated to individual systems, as described in Section 3 of these instructions.
9. "Original Cost of Purchased Assets"—the costs of the fixed assets when first put in use for cable television service. If in the process of an ownership transaction, consummated before August 1, 1975, the original cost data has been lost, the respondent may use allocated costs in lieu of original costs providing it is indicated in a footnote. If allocations are necessary refer to Section 3 of these instructions.
10. "Portion of Purchase Price Allocated to Seller's Book Value"—is that amount of the purchase price allocated to the original cost less the accumulated depreciation of the owner.
11. "Recorded Cost of Purchased Assets by Purchaser"—is the entire cost of the purchased assets, incurred by the purchaser.
12. "Estimated Useful Life of Fixed Assets"—is the amount, in years, of each asset's estimated economic life.
13. "Owners"—Proprietors, partners or stockholders who own at least 3 percent of the reporting cable television system(s).
14. "Salaries"—The amounts paid to those employed by the reporting cable television system's as remuneration for their services and which are classified as an operating expense.
15. "Relatives"—Son, daughter, son-in-law, daughter-in-law, mother, father of owners.

2.4.3 Schedule 4—Instructions:

Line No.

1. "Deferred System Development Costs" (Annual)—If system development costs are deferred, enter the number of expected periods benefited in the column entitled "Amortization Term". Indicate method of amortization used by entering one of the following codes: (1-straight line, 2-declining balance, 3-sum-of-the-years' digits, 4-other) in the column entitled "Amortization Method Used". Enter the total amount of deferred cost capitalized during the year in the column entitled "Amount Capitalized During Year". Enter the amount of development cost amortization which applies only to the present accounting period in the column entitled "Amount Amortized During Year".
2. "Franchise Costs" (recorded as assets) (Annual)—If the cost of obtaining a franchise is amortized enter the number of expected periods benefited in the column entitled "Amortization Term". Indicate the method of amortization used by entering one of the following codes: (1-straight line, 2-declining balance, 3-sum-of-the-years' digits, 4-other) in the column entitled "Amount Capitalized During Year". Enter the amount of franchise cost amortization which applies only to the present accounting period in the column entitled "Amount Amortized During Year".

3. "Goodwill" (Annual)—If goodwill is recorded, enter the number of expected periods benefited in the column entitled "Amortization Term". Indicate the method of amortization used by entering one of the following codes: (1-straight line, 2-declining balance, 3-sum-of-the-years' digits, 4-other) in the column entitled "Amortization Method Used". Enter the total amount of goodwill capitalized during the year in the column entitled "Amount Capitalized During Year". Enter the amount of goodwill amortization which applies only to the present accounting period in the column entitled "Amount Amortized During Year".
 4. "Capitalized Interest on System Construction"—If interest costs on system construction are capitalized, enter the total amount of interest being capitalized in the column entitled "Total Capitalized". Enter the amount capitalized during the year in the column entitled "Amount Capitalized During Year". Enter the number of expected periods benefited in the column entitled "Useful Life".
- Line No.**
5. "Deferred System Development Costs"—If system development costs are deferred, enter the entire amount of these costs in the column entitled "Total Amount of Asset." Enter the total amount to be capitalized, if any, in the column entitled "Amount Not Being Amortized." Enter the entire amount of system development costs to be amortized in the column entitled "Amount Being Amortized."
 6. "Franchise Costs"—If franchise costs are being deferred, enter the entire amount of franchise costs in the column headed "Total Amount of Asset." Enter the total amount to be capitalized, if any, in the column entitled "Amount Not Being Amortized." Enter the entire amount of franchise costs to be amortized in the column entitled "Amount Being Amortized."
 7. "Goodwill"—If there is goodwill on the books, enter the entire amount of goodwill in the column entitled "Total Amount of Asset." Enter the total amount to be capitalized, if any, in the column entitled "Amount Not Being Amortized." Enter the entire amount of franchise costs being amortized in the column entitled "Amount Being Amortized."
 8. "Overhead Costs Allocated to System"—Enter the entire amount of Allocated Costs, if any, in the column entitled "Total Amount of Allocated Costs." Indicate the method of allocation used by entering one of the following codes: (1-per number of subscribers, 2-per gross revenues, 3-per miles of plant, 4-other) in the column entitled "Method Used to Allocate Costs to System."
 9. "Original Cost of Purchased Assets"—Enter the total amount of the original cost of purchased assets in the column entitled "Amount."
 10. "Portion of Purchase Price Allocated to Seller's Book Value"—Enter the amount of the purchase price allocated to the seller's book value in the column entitled "Amount."
 11. "Recorded Cost of Purchased Assets by Purchaser"—Enter the entire cost of purchased assets in the column entitled "Amount."
 12. "Estimated Useful Lives of Fixed Assets"—Enter each asset classification (1 sets)—Enter each asset classification (land and buildings, headend, subscriber devices, trunk and distribution system) in the column entitled "Fixed Asset Classification." Enter each asset's original cost in the column entitled "Amount." Enter the esti-

ated economic life of each asset in the column entitled "Useful Life." When computing the estimated economic life of assets, such as trunk & distribution system & subscriber devices, use a weighted average, if necessary.

13. "Salaries to Owners"—Enter the entire amount of salaries paid to owners of the reporting cable television system(s) in the column entitled "Amount." Enter the number of owners to whom the salaries were paid in the column entitled "Number of Persons".
14. "Other Payments to Owners"—Enter the total amount of any other direct payments, which are classified as operating expenses, to owners of the reporting cable television system(s) in the column entitled "Total Amount". Check the type of payments made in the appropriate space(s).
15. "Expense Payments to Spouse or Relatives"—Enter the total amount of payments, which are classified as operating expenses, to a spouse or relatives of the owners of the reporting cable television system(s) in the column entitled "Total amount". Check the type of payments made in the appropriate space(s).

2.5 Schedule 5 Instructions

- 2.5.1 Indicate the number of employees for the work week in which the last day of the Fiscal Year fell. If there are no employees, indicate this fact by entering zeros in the spaces provided.
- 2.5.2 If the number of employees is recorded in books which are consolidated for more than one reporting entity, refer to Section 3.2.3; of these instructions for further details.

Section 3—Allocations and Consolidations

3.1 Part A—Separating Cable from Non-Cable Data

- 3.1.1 In many instances, cable operators are also involved in other lines of business. If the accounting records of the differing "segments" of the businesses are kept separately, there is no problem in filing FCC Form 326. If, however, the accounting records of the business are consolidated, the need for allocation of costs to each business "segment" arises. In order to facilitate the separation of cable related from non-cable financial information, a step-by-step guideline for the allocation of the cable related financial data is provided herein.
- 3.1.2 Guideline for Separation of Cable from Non-Cable Financial Data:

Step No.

1. Identify all financial data (balance sheet and income statement data) which directly relate to cable television activities.
2. Enter the amounts of all the accounts identified as directly relating to cable television activities on the appropriate lines of Schedules 2 and 3, as indicated in 2.2.4 and 2.3.3; section 2 of these Instructions.
3. For the remaining revenue accounts, obtain the ratio of cable related gross revenue to total gross revenues (cable gross revenue ÷ total gross revenues). Apply this percentage to all revenues that cannot be identified as directly relating to cable television activities or other business activities. Enter the resulting amount(s) on the appropriate line(s) of Schedule 2, as indicated in 2.2.4; section 2 of these Instructions.
4. For the remaining expense accounts, obtain the ratio of cable related expenses to total expenses (cable expenses ÷ total expenses). Apply this percentage to all expenses that cannot be identified as directly relating to cable television activities. En-

ter the resulting amount(s) on the appropriate lines of Schedule 2, as indicated in 2.2.4; section 2 of these Instructions.

5. For the remaining asset accounts, obtain the ratio of cable related assets to total assets (cable assets ÷ total assets). Apply this percentage to all assets that cannot be identified as directly relating to cable television activities. Enter the resulting amount(s) on the appropriate lines of Schedule 3, as indicated in 2.3.3; section 2 of these Instructions.

Step No.

6. For the liability and equity accounts, apply the percentage obtained in step 5 to the liability and equity accounts. Enter the resulting amounts on the appropriate lines of schedule 3, as indicated in 2.3.3; section 2 of these Instructions.
7. Attach, in appendix form, an explanatory outline of all calculations and their results.

3.2 Part B—Allocation of Consolidated Data to Particular Systems

- 3.2.1 In many instances, cable operators consolidate the financial data of several systems into one set of accounts. If the Commission's consolidation requirements are fulfilled in the consolidation, allocation of financial data is not necessary. However, if the Commission's consolidation requirements are not met, the financial data must be separated for reporting as separate financial entities. In order to facilitate separation of the reporting entities, a step-by-step guideline for the allocation of financial data to particular systems is provided herein.

3.2.2 Guidelines for the Allocation of Consolidated Financial Data to Particular Systems:

Step No.

1. Identify all accounts which can be related to each reporting entity and enter the amounts on the appropriate lines of Schedules 2 and 3 as designated in 2.2.4 and 2.3.3; section 2 of these Instructions.
2. Obtain the ratio of subscribers per reporting entity to total subscribers (number of subscribers per entity ÷ total number of subscribers).
3. Apply the percentage obtained in step 2 to all accounts which cannot be identified as relating to each reporting entity. Enter the resulting amounts on the appropriate lines of Schedules 2 and 3, as designated in 2.2.4 and 2.3.3; section 2 of these Instructions.
4. Apply the percentage obtained in step two for determining the number of employees per reporting entity. Enter the resulting figure in the appropriate spaces of Schedule 5.

Step No.

5. Attach, in appendix form, an explanatory outline of all calculations and their results.

3.3 Part C—Allocation of Overhead Costs

- 3.3.1 Although the accounting records of individual reporting entities are kept separately, in many instances, there are corporate overhead costs that must be allocated to the reporting entities. In order to facilitate allocation of these costs, examples of acceptable allocation methods are provided herein.

3.3.2 Method

1. "Per Number of Subscribers"—Obtain the ratio of subscribers per reporting entity to total subscribers (subscribers per entity ÷ total subscribers). Apply this percentage to each overhead cost and enter the resulting amount on the appropriate lines of Schedule 2, as designated in 2.2.4; section 2 of these Instructions.

2. "Per Gross Revenues"—Obtain the ratio of gross revenues per reporting entity to total gross income (gross revenues per entity ÷ total gross revenues). Apply this percentage to each overhead cost and enter the resulting amount on the appropriate lines of Schedule 2, as designated in 2.2.4; section 2 of these Instructions.
3. "Per Miles of Plant"—Obtain the ratio of miles of plant per entity to total miles of plant (miles of plant per entity ÷ total miles of plant). Apply this percentage to each overhead cost and enter the resulting amount on the appropriate lines of Schedule 2, as designated in 2.2.4; section 2 of these Instructions.
4. Attach, in appendix form, an explanatory outline of all calculations and their results.

APPENDIX A

INSTRUCTIONS FOR SMALL SYSTEM OPERATORS

Small, privately-owned cable television systems do not have the complex ownership relationships experienced by many of the larger systems. It is recognized that operators of these systems may have unique problems in posting their accounts to FCC Form 326. It should be noted that cable operators who own a single cable television system which serves fewer than 500 subscribers, are exempt from filing Schedules 3 and 4 (the balance sheet and disclosure schedule) of FCC Form 326.

To alleviate any problems which may arise in regard to small system accounting and reporting requirements, two steps have been taken:

(1) A discussion of accounting concepts of potential difficulty is included in this Appendix, and

(2) An informational contact point has been established in the Research Division of the Cable Television Bureau to assist operators in their compliance with the revised reporting system and to provide a timely response to their queries.

Schedules 2 and 3 portray basic Income Statement and Balance Sheet Statement information. (These statements are familiar to operators and are, for the most part, self-explanatory.) There are specific instructions for both schedules which define and explain each line item account.

However, to assist operators of small, privately-owned cable systems, a further discussion—with examples—is provided herein regarding several aspects of the reporting system which may be of particular concern to these operators.

Although this appendix is an attempt to identify and respond to potential questions, further assistance will be provided through the informational contact point established

in the Research Division of the Cable Television Bureau.

I. Consolidations and allocations. (A) Small, privately-owned cable systems—not unlike their corporate counterparts—may be affiliated with other lines of business. If separate bookkeeping records are maintained for each business, the operator should experience no difficulty in reporting only cable related financial information on FCC Form 326. If, however, some or all accounts from each business are commingled, and the operator is unable to determine the specific amounts which are attributable to cable related operations, the instructions provided in Section three, Part A of these Instructions should be followed. For example, the owner of a small cable television system may also own a local television repair shop. If the balance sheet accounts for both businesses are consolidated, the operator must make an estimate of the percentage of cable related assets and apply this percentage to both the liabilities and equity account balances. In the unlikely event that the revenues and expenses of both businesses are also combined, the operator must make an estimate of the amounts related to the cable operation only. Details are provided in Section 3, Part A of these Instructions.

(B) In addition to the consolidation problem regarding common ownership of cable and non-cable businesses, another consolidation problem occurs when a cable operator combines the financial data of several systems into one financial reporting entity when the Commission's consolidation requirements are met as to ownership, geographical and technical restrictions. If, however, the Commission's consolidation requirements are not met (for example, the systems may be located 100 miles from each other) then an operator who has consolidated the financial information from these distant systems must separate the systems for financial reporting purposes. If the operator has no other means to determine an accurate allocation of accounts to each financial reporting entity, a separation based upon a ratio of the relative number of subscribers in each reporting entity should be utilized. The proper procedure for allocation is specified in Section 3, Part B of these Instructions.

II. Owner's withdrawals from business. Withdrawals are the amounts that are distributed to partners or proprietors from total profits or equity. Cash withdrawals from the business by owners reduce the assets and proprietor's equity in the business but are not reflected in the income statement (Schedule 2) of FCC Form 326. The amount reported on line 29 (Total Profit or Loss) of Schedule 2 is undistributed net income, i.e.

net income prior to any ownership withdrawals. Salaries paid to owners as compensation for work performed are not considered as withdrawals and would be reported on line 16, Schedule 2 and on the appropriate lines of Schedule 4.

III. Owner's equity section (Schedule 3). Line 25 (total stock) of Schedule 3 would naturally be left blank for a proprietorship or partnership, as would line 27 (retained earnings) and line 28 (other owner's equity). The entire amount of owner's equity in the business would appear on line 26 (proprietor's equity) and would consist of the owners' personal investment in the business plus all profits (less any losses) retained in the business from previous years' operations. The amount of ownership/partnership withdrawals or capital distributions from the business should be deducted from the amount entered on this line. Since the owner's equity account must equal total assets minus total liabilities, this computation should serve as a check that the owner's equity account is being accurately maintained.

IV. Plant adjustments. The fixed assets of a cable television system must be reported in terms of original cost, i.e., the cost of the fixed asset when it was first put in use for cable television service. In the case of ownership transfers, the difference between the original cost of purchased cable assets and the fair value of these assets at the time of purchase is called "plant adjustment". This amount should be recorded on line 12, Schedule 3. It includes only the excess of the fair value over the seller's book value of purchased tangible assets and does not include any amounts recorded as goodwill or franchise costs.

V. Accrual v. cash accounting. The proposed financial reporting system requires that Generally Accepted Accounting Principles (GAAP) be applied on a consistent basis. One aspect of GAAP which may require a brief explanation is the concept of accrual accounting. Essentially, accrual accounting differs from cash accounting in that a monetary asset or liability is partially recognized in the accounting records prior to the time there is a legal claim to receive or pay cash. For example, although taxes for one year may not be due until April of the following year, an accountant would record the taxes on the company's books during the year to which they apply. Similarly, if a company holds a note receivable—with interest—which is not due until a subsequent accounting period, an accountant would recognize and record during the current accounting period, that portion of interest earned during the current period.

[FR Doc. 77-13004 Filed 5-6-77; 8:45 am]

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Forest Service

CASCADE HEAD SCENIC-RESEARCH AREA
ADVISORY COUNCIL (PACIFIC NORTH-
WEST REGION)

Meeting

The Cascade Head Scenic-Research Area Advisory Council will meet on Tuesday, May 31, 1977, at the International Dunes Resort in Lincoln City, Oregon. The meeting will begin at 9:30 a.m.

The purposes for the meeting are to consider land suitability criteria for building in the Area; to choose an Advisory Council member to the Scientific Review Team; to be brought up to date on the Final Environmental Statement for the Management Plan; and update on landowner negotiations.

The meeting will be open to the public. Persons who wish additional information concerning the meeting should contact Pam McCawley, Hebo Ranger Station, Hebo, Oregon, phone 392-3161, or Dale Dufour, Siuslaw National Forest, at 545 SW. Second Street, Corvallis, Oregon, phone 757-4492.

Dated: APRIL 28, 1977.

LARRY A. FELLOWS,
Forest Supervisor.

[FR Doc.77-13173 Filed 5-6-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 28, 1977.

The USAF Scientific Advisory Board Tactical Panel will hold a meeting on June 1, 1977 from 9:00 a.m. to 5:00 p.m. at Langley Air Force Base, Virginia.

The Panel will review candidate proposals for a classified tactical strike concept of operations.

The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information contact the USAF Scientific Advisory Board Secretariat at 202-697-4811.

FRANKIE S. ESTEP,
Air Force Federal Register
Liaison Officer, Directorate
of Administration.

[FR Doc.77-13161 Filed 5-6-77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

Correction

In FR Doc. 77-12847 appearing at page 22922 in the issue for Thursday, May 5, 1977, in the 4th line of the first paragraph, the dates given for the meeting now reading "June 8 and 8, 1977" should have read "June 8 and 9, 1977".

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECU-
TIVE PANEL ADVISORY COMMITTEE
TECHNOLOGY SUBPANEL

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5.U.S.C. App. I), notice is hereby given that the Technology Subpanel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on May 24-25, 1977, at the Pentagon, Washington, D.C. Sessions of the meeting will commence at 8:30 a.m. and terminate at 5:30 p.m. on both days. All sessions will be closed to the public.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive Order, including a detailed examination of classified anti-submarine warfare techniques and tactics, related intelligence, ocean surveillance and space systems. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c) (1) of title 5, United States Code.

For further information concerning this meeting, contact Commander William A. Armbruster, USN, Executive Secretary of the CNO Executive Panel Advisory Committee, 1401 Wilson Blvd., Room 405, Arlington, Virginia 22209. Phone 694-3191.

Dated: May 4, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Dep-
uty Assistant, Judge Ad-
vocate General (Administra-
tive Law).

[FR Doc.77-13192 Filed 5-6-77;8:45 am]

Office of the Secretary

MEETING OF THE BOARD OF VISITORS OF
THE NATIONAL DEFENSE UNIVERSITY

Meeting

The President of the National Defense University has scheduled a meeting of the Board of Visitors of the National Defense University on Wednesday and Thursday, 1-2 June 1977, from 0830-1145 and 1330-1630 each day. The meetings will be held in the Classified Library of the National War College except for the afternoon sessions of 1 June, in which case subcommittee meetings will be held in both National War College and Industrial College Conference Rooms.

The discussions will include a progress report of the National Defense University and the curricula of both colleges.

The meeting is open to the public, and the limited space available for observers will be allocated on a first-come, first-served basis. To reserve space, interested

persons should write the National Defense University, Fort Lesley J. McNair, Washington, D.C. 20319, or phone the Assistant to the President for External Programs at 202-693-1074.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, OASD (Comptrol-
ler).

MAY 4, 1977.

[FR Doc.77-13118 Filed 5-6-77;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE
ON COUNTER-COMMUNICATIONS COM-
MAND AND CONTROL (C²)

Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Counter-Communications, Command and Control (Counter-C²) will meet in closed session on 24 and 25 May 1977 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will provide an analysis of the communications, command and control (C²) employed by potentially hostile forces and identify counter-measures that might be of significant help if the Department of Defense were required to counter those forces.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptrol-
ler).

MAY 4, 1977.

[FR Doc. 77-13117 Filed 5-6-77;8:45 am]

ENVIRONMENTAL PROTECTION
AGENCY

[FRL 725-4; PP 6G1821/T103]

CHEVRON CHEMICAL CO.

Establishment of a Temporary Tolerance
for Acephate

Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, has submitted a pesticide petition (PP 6G1821) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for combined residues of the insecticide acephate (O,S-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite O,S-dimethyl phosphoramidothioate in or on the raw agri-

cultural commodity peanuts at 0.1 part per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 873, 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Chevron Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 21, 1978. Residues not in excess of 0.1 ppm remaining in or on peanuts after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: April 21, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 77-13096 Filed 5-6-77; 8:45 am]

[FRL 725-3; OPP-42046]

STATE OF ALASKA

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and 40 CFR Part 171 (39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)), the Honorable Jay S. Hammond, Governor of the State of Alaska, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis, pending enactment of amended legislation and promulgation of

implementing regulations which are attached to the Plan. Notice is hereby given of the intention of the Regional Administrator, EPA Region X, to approve this plan on a contingency basis.

A summary of this plan follows: The entire plan, together with all attached appendices (except for sample examinations), may be examined during normal business hours at the following locations:

Alaska Department of Environmental Conservation, 419 6th Street, Room 222, Juneau, Alaska 99811.

Room 11C of the Park Place Building, 1200 Sixth Avenue, EPA Pesticides Branch, Air and Hazardous Materials Division, Seattle, Washington 98101.

Room 401, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs), EPA.

SUMMARY OF ALASKA STATE PLAN

The Alaska Department of Environmental Conservation (ADEC) has been designated as the State lead agency for the administration of the pesticide applicator certification program, with the Division of Terrestrial Programs responsible for the program's implementation. This includes coordinating a notification effort for prospective restricted use pesticide applicators, licensing of pesticide dealers and pest control consultants, enforcement activities and the coordination of field, laboratory, and office activities relating to pesticide regulation.

The cooperating agencies are the Division of Agriculture of the Alaska Department of Natural Resources, the University of Alaska Cooperative Extension Service and Agricultural Experimental Station of the University of Alaska. Personnel from the Alaska Cooperative Extension Service will assume the lead role in the training of private applicators and commercial applicators in the agricultural categories. ADEC will be responsible for the training of commercial applicators in the non-agricultural categories, and for the certification of all applicators of restricted use pesticides.

Legal authority for the program is contained within Alaska Statutes (AS) 46.03.320, 46.03.860 and proposed regulations thereto. Additional legislation for the authority to certify private applicators will be sought during Alaska's 1977 legislative session.

The plan indicates that the State lead agency and the cooperating agencies have or will have sufficient qualified personnel and funds necessary to carry out the proposed programs. Federal funding to ADEC in support of this program for the fiscal year 1977 is approximately \$37,500. During fiscal year 1978, ADEC will request that the funding be derived from State funds. Federal funding to the Alaska Cooperative Extension Service for fiscal year 1977 is approximately \$11,760.

The state estimates that approximately 150 commercial and 150 private applicators will need to be certified. Wallet sized identification certificates containing all necessary information will be furnished to all applicators, and presented

to dealers at the time of restricted use pesticide purchase.

The State lead agency will submit an annual report to EPA on or before March 1 each year to cover the previous year's activities.

Alaska will adopt nine of the ten commercial applicator categories listed in 40 CFR 171.3. These are as follow:

- (1) Agricultural pest control: (a) Plant subcategory; (b) Animal subcategory;
- (2) Forest pest control;
- (3) Ornamental and turf pest control;
- (4) Seed treatment;
- (5) Aquatic pest control;
- (6) Right-of-way pest control;
- (7) Industrial, institutional, structural and health related pest control;
- (8) Public health pest control;
- (9) Regulatory pest control.

Alaska will adopt two new commercial applicator categories. These are:

- (10) Mosquito and biting fly pest control; and
- (11) Aerial pest control.

The decision to make Mosquito and Biting Fly Pest Control a new category rather than a subcategory of Public Health Pest Control was based on the fact that mosquitos and biting flies are more of a nuisance problem in Alaska than a public health problem. It was decided to offer Aerial Pest Control as a new category because of the limited number of aerial applicators in Alaska and the desire not to have to test all applicators in other categories for competency in aerial applications. A person certified in the Aerial Pest Control category must also be certified in the other applicable categories before he may apply restricted use pesticides.

The standards of competency for the categories described above will conform to those described in 40 CFR 171.4 and 40 CFR 171.6. For the two new categories, Mosquito and Biting Fly Pest Control and Aerial Pest Control, the following standards will apply:

Mosquito and biting fly pest control. Applicators in this category shall demonstrate a practical knowledge of the principal mosquito and biting fly species found in Alaska and of their life cycles. Sufficient knowledge shall be demonstrated for the type of equipment used in this category, of the pesticides available and the applicable State and Federal laws. Knowledge of the personal safety equipment necessary for the chemicals used is also required. Applicators shall demonstrate an awareness that this type of pest control is associated with the public and that environmental effects on non-target organisms may be wide-spread.

Aerial pest control. Applicators in this category shall possess a valid Federal Aviation Administration commercial pilot's license and current medical certificate, Class II. Applicators shall demonstrate a familiarity with the environmental effects of pesticide drift from air applications and the necessity of safe flying techniques. They must meet or exceed the standards listed in 40 CFR 171.4 and 40 CFR 171.6. A practical knowledge of necessary personal safety equipment and of safe handling techniques for pesticides when mixing and loading shall also be required.

For certification, commercial applicators must pass a written examination(s) for the various applicator categories and

subcategories. The examinations will be given by ADEC periodically and, within reasonable limits, when requested. Questions for the written examinations will be taken from designated study materials available from the Department. No charge is anticipated. Training will be offered at least once in each category before October 1977.

No performance testing procedures will be used in any of the categories or subcategories.

Proof of certification will be mailed to all who successfully complete the training and examinations. Tutoring and make-up examinations may be offered to those who miss the scheduled training or fail the examination.

The standards of competency for private applicators will conform to those described in 40 CFR 171.5(a) and 40 CFR 171.6.

Private applicators will be certified by one of three procedures:

(a) The applicant for certification will attend a training session approved by ADEC, and pass a written examination at the 70 percent level. Such training sessions will be conducted periodically in various Alaskan cities by the State Cooperative Extension Service. Subject matter presented in these training sessions will conform to that necessary to meet the stimulations of 40 CFR 171.5(a) and 40 CFR 171.6.

(b) The applicant for certification will pass a written examination at the 70 percent level. Such examinations will be administered by ADEC within reasonable limits when requested. The examination will cover the topics required by 40 CFR 171.5(a) and 171.6.

(c) The applicant for certification will obtain a minimum possible score of 70 percent in a correspondence course approved by ADEC and administered by either a representative of the Department or a member of the State Cooperative Extension Service. Such correspondence course will conform with requirements of 40 CFR 171.5 and 40 CFR 171.6.

A private applicator who is unable to read may have an official of the Department instruct him in the proper and safe use of pesticides and give him an oral examination to assure he understands these precautions and the importance of the instructions on the pesticide label. This procedure will be required for each restricted use pesticide he may wish to use.

Prior to this notice, ADEC and the Cooperative Extension Service have initiated training and certification programs based on this Plan. When this Plan receives final approval, ADEC intends to certify those applicators who have successfully met the requirements described for private and commercial pesticide applicators.

Alaska is withholding the decision to accept the credentials of Federal employees qualified under a Government Agency Plan until such a plan is available for review.

Alaska does not plan any special certification for applicators on Indian Reservations.

The State does not plan, at present, any reciprocal agreements with other states.

In addition to certification, Alaska will require a written permit from all applicators who plan to intentionally apply a pesticide to the waters of Alaska or who plan to apply pesticides using aerial equipment. Public agencies who plan to apply pesticides in public projects will also be required to obtain a permit. Permits will be granted, upon written request, at the discretion of the Commissioner of ADEC.

The staff of ADEC has the responsibility of insuring compliance with the plan. New regulations and developments in the field of pesticide technology will be communicated to certified applicators by newsletters, farm forums, and through publications of the State Cooperative Extension Service. Training programs will be scheduled when needed to meet the requirements of changing technology and to assure a continuing level of competence and ability of applicators to use restricted use pesticides safely and properly. A requirement in the new and revised State regulations that all applicators of restricted use pesticides be recertified every three years will present an opportunity to meet with both private and commercial applicators at an interval that will insure that workers in this field in Alaska are familiar with new scientific developments and changing regulations.

Enforcement of these regulations will be the responsibility of the regional offices of ADEC located in Anchorage, Fairbanks, Juneau and Valdez. The staff of these offices will be able to consult with pesticide specialists stationed in Juneau and Palmer.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of Alaska to the Chief, Pesticides Branch, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. The comments must be received on or before June 8, 1977, and should bear the identifying notation (OPP-42046). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned location from 8:30 to 3:30 Monday through Friday.

Dated: April 26, 1977.

DONALD P. DUBOIS,
Regional Administrator, U.S.
Environmental Protection
Agency, Region X.

[FR Doc.77-13093 Filed 5-6-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

BROADCAST SERVICE WORKING GROUPS

Schedule of Meetings

MAY 4, 1977.

1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Pursuant to Pub. L. 92-463, notice is hereby given of the following meetings for June 1977.

WARC-79 TV BROADCASTING SERVICE GROUP

Thursday, June 2, 1977—9:30 a.m.—12 noon, Room 8210, 2025 M Street NW., Washington, D.C.; Chairman, James D. Parker; FCC Liaison, Charles H. Breig.

WARC-79 INTERNATIONAL BROADCASTING SERVICE GROUP

Thursday, June 2, 1977—10 a.m.—12 noon, Room A-110, 1229 20th St. NW., Washington, D.C.; Chairman, Stanley Leinwoll; FCC Liaison, Lloyd R. Smith.

WARC-79 SATELLITE BROADCASTING SERVICE GROUP

Wednesday, June 1, 1977—9:30 a.m.—12 noon, Room 8210, 2025 M Street NW., Washington, D.C.; Chairman, Edward E. Reinhart; FCC Liaison, Charles H. Breig.

WARC-79 AUXILIARY BROADCASTING SERVICE GROUP

Thursday, June 2, 1977—1:30 p.m.—4 p.m., Room 8210, 2025 M Street NW., Washington, D.C.; Chairman, John Serafin; FCC Liaison, Al Jarratt.

The agendas will be as follows:

1. Call to Order and Announcements by the Chairman.
2. Approval of Minutes of Previous Meeting.
3. Discussion of Fifth Notice of Inquiry in Docket 20271.
4. Reports from Task Groups.
5. Further Discussion.
6. Next Meeting Date and Adjournment.

The above meetings are open to broadcast industry representatives and interested members of the general public.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-13177 Filed 5-6-77;8:45 am]

[Report No. 1043, Corrected]

**PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS
FILED**

MAY 4, 1977.

Docket or RM No.	Rule No.	Subject	Date received
20548	Secs. 73.25, 73.240, and 73.636....	Amendment of secs. 73.35, 73.240, and 73.636, of the Commission's rules relating to multiple ownership of standard, FM, and television broadcast stations. Filed by Robert M. Booth, Jr., attorney for Town and Country Radio, Inc. Apr. 20, 1977 Filed by John P. Bankson, Jr., and Louisa A. Sunderland, attorneys for Wilfredo A. Soto, Jesus M. Soto, and Ricardo L. Segarra, d.b.a. Lares Broadcasters. Apr. 22, 1977 Filed by Michael H. Rosenbloom, attorney for Suburban Radio Group, Inc. Apr. 25, 1977	
21049	.....	Commercial television network practices and the ability of station licensees to serve the public interest. Filed by J. Carter McKaig, John D. Lane, and Ramsey L. Woodworth, attorneys for Westinghouse Broadcasting Company, Inc. Apr. 22, 1977	

NOTE.—Oppositions to petitions for reconsideration must be filed on or before May 24, 1977. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-13176 Filed 5-6-77;8:45 am]

**FEDERAL ENERGY
ADMINISTRATION**

**CASES FILED WITH THE OFFICE OF
EXCEPTIONS AND APPEALS**

Week of April 15 Through April 22, 1977

Notice is hereby given that during the week of April 15 through April 22, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who

will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

MAY 2, 1977.

APPENDIX.—List of cases received by the Office of Exceptions and Appeals, week of Apr. 15, through Apr. 22, 1977

Date	Name and location of applicant	Case No.	Type of submission
Apr. 15, 1977	Beacon Oil Co., Washington, D.C. (If granted: The FEA would review the entitlements exception relief granted to Beacon Oil Co. during its 1976 fiscal year in order to determine whether the level of exception relief approved was appropriate.)	FEX-0151	Review of entitlements exception relief.
Do.....	Bob Lawrence Volkswagen, Inc., Salisbury, Md. (If granted: Bob Lawrence Volkswagen, Inc., would receive a stay of the requirements of the remedial order issued by region III pending a determination on the appeal which the firm intends to file.)	FRS-1263	Stay of the remedial order issued by FEA region III.
Do.....	City of Long Beach, Calif., Long Beach, Calif. (If granted: The city of Long Beach, Calif., would receive an extension of the relief granted in FEA's Dec. 3, 1976, decision and order and would be permitted to sell a portion of the crude oil produced from the fault block II unit at upper tier ceiling prices.)	FXE-4075	Extension of relief granted in city of Long Beach, Calif., 4 FEA par. 83,212 (Dec. 3, 1976).
Do.....	David Crow, Shreveport, La. (If granted: The FEA's Feb. 17, 1977, decision and order would be modified to allow the regional Administrator of FEA region IV additional time to review the Dec. 6, 1976, remedial order issued to Crow.)	FRX-0150	Supplemental order to David Crow, 5 FEA par. 80,549 (Feb. 17, 1977).
Do.....	Donald Huhn, d.b.a. Huhn's Texaco Service Station, Minerva, Ohio. (If granted: Donald Huhn would be supplied motor gasoline by Cross Oil Co., rather than by Texaco, Inc.)	FEE-4077	Exception to change suppliers.
Do.....	Kalama Chemical, Inc., Kalama, Wash. (If granted: FEA's July 8, 1976, decision and order would be modified to increase the amount of toluene which Kalama Chemical, Inc., is permitted to import on a license fee-free basis.)	FPI-0113	Modification of FEA's decision and order in Kalama Chemical, Inc., 3 FEA par. 83,267 (July 8, 1976).

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Louis Gals d.b.a. Cornerburg Texaco Service, Youngstown, Ohio. (If granted: Louis Gals would be supplied motor gasoline by Cross Oil Co. rather than by its base period supplier, Texaco, Inc.)	FEE-4978	Exception to change suppliers.
Do.....	Merchants Delivery Co., Kansas City, Mo. (If granted: Merchants Delivery Co. would be assigned a new, lower priced supplier of motor gasoline and diesel fuel to replace its base period supplier, Carl Berry Oil Co.)	FEE-4976	Do.
Do.....	Pryor Interprises, Inc., Griffin, Ga. (If granted: Pryor Interprises, Inc., would be assigned a lower priced supplier for its total base period use of motor gasoline.)	FEE-4974	Do.
Do.....	Wagner Oils, Inc., Fairborn, Ohio. (If granted: The FEA's Mar. 30, 1977, decision and order would be rescinded and Wagner Oils, Inc., would not be required to file form P112-M-1 (No. 2 heating oil supply/price monitoring report).)	FXA-1262	Appeal of FEA's decision and order in Wagner Oils, Inc., 5 FEA par. (Mar. 30, 1977).
Apr. 18, 1977	Standard Oil Co. of Indiana, Chicago, Ill. (If granted: Standard Oil Co. of Indiana would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at its Kalkaska gas processing plant.)	FEE-4979	Price exception (sec. 212.163).
Do.....	Quaker State Oil Refining Corp., Oil City, Pa. (If granted: The FEA's Mar. 18, 1977, decision and order would be reversed and Quaker State Oil Refining Corp. would receive an increase in the number of entitlements which it is permitted to sell each month in order to offset the increased crude oil costs which it is experiencing as a result of the exemption of stripper well property crude oil from the provisions of the FEA mandatory petroleum price regulations.)	FXA-1264	Appeal of FEA's decision and order in Quaker State Oil Refining Corp., 5 FEA par. (Mar. 18, 1977).
Apr. 19, 1977	Adams Oil Co., Dillwyn, Va. (If granted: The remedial order issued by region III on Apr. 4, 1977, would be rescinded and Adams Oil Co. would not be required to refund overcharges in its sales of gasoline, No. 2 fuel oil, No. 2-D diesel fuel, and kerosene.)	FRA-1267 FRS-1267	Appeal of remedial order issued by FEA region III on Apr. 4, 1977. Stay requested.
Do.....	Good Hope Industries, Inc., Springfield, Mass. (If granted: Good Hope Industries, Inc., would be permitted to import into districts I-IV, 3,662,045 bbl. of naphtha on a fee-free basis during the allocation period May 1, 1977, through Apr. 30, 1978.)	FPI-0114	Exception to sec. 213.35.
Do.....	Louis Kahan, Washington, D.C. (If granted: Mr. Louis Kahan would receive a temporary stay of the requirements of the remedial order issued by region VI on Apr. 11, 1977.)	FRT-0011	Temporary stay of the remedial order issued by FEA region VI on Apr. 11, 1977.
Do.....	Kentucky Oil & Refining Co., Betsy Layne, Ky. (If granted: In order to facilitate the construction of its refinery, Kentucky Oil & Refining Co., Inc., would temporarily be permitted to receive revenues from the sale of entitlements within 30 d of its receipt of crude oil.)	FEE-4982	Allocation exception (sec. 211.67).
Do.....	Mohawk Petroleum Corp., Inc., Los Angeles, Calif. (If granted: Mohawk Petroleum Corp., Inc., would receive an extension of the relief granted in the FEA's Dec. 15, 1976, decision and order and would be relieved of any obligation to purchase entitlements.)	FXE-4063	Extension of the relief granted in Mohawk Petroleum Corp., Inc., 4 FEA par. 83,232 (Dec. 15, 1976).
Do.....	Shell Oil Co., Houston, Tex. (If granted: The FEA would suspend its consideration of Shell Oil Co.'s exception application concerning the passthrough of increased non-product costs prior to Feb. 1, 1978.)	FES-3515	Stay of the exception proceedings involving passthrough of increased non-product costs.
Do.....	Stovall Oil Co., Casper, Wyo. (If granted: Stovall Oil Co. would receive an extension of the relief granted in the FEA's Dec. 10, 1976, decision and order to permit the crude oil produced from Olsen No. 1 lease to be sold at upper tier ceiling prices.)	FXE-4060	Extension of the relief granted in Stovall Oil Co., 4 FEA par. 83,233 (Dec. 10, 1976).
Do.....	Superior Oil Co., Houston, Tex. (If granted: The Superior Oil Co. would be permitted to increase its prices to reflect nonproduct increases in excess of \$0.003/gal for natural gas liquid products produced at its Rio Barro plant.)	FEE-4981	Price exception (sec. 212.163).
Do.....	Western Jobbers Alliance, San Francisco, Calif. (If granted: The FEA's Mar. 9, 1977, decision and order would be rescinded and the Tosco Corp. would be required to place the members of Western Jobbers Alliance in an unbranded jobber class of purchaser.)	FEA-1260	Appeal of FEA's decision and order in Western Jobbers Alliance, 5 FEA par. (Mar. 9, 1977).
Apr. 20, 1977	Beacon Oil Co., Hanford, Calif. (If granted: Beacon Oil Co. would receive an extension of the exception relief granted in the FEA's Dec. 15, 1976, decision and order and would be relieved of any obligation to purchase entitlements.)	FXE-4067	Extension of the relief granted in Beacon Oil Co., 4 FEA par. 83,233 (Dec. 15, 1976).
Do.....	Diamond Shamrock Corp., Amarillo, Tex. (If granted: The FEA's Mar. 23, 1977, decision and order would be modified to permit Diamond Shamrock Corp. to increase its prices for natural gas liquid products produced at its McKee plant.)	FXA-1265	Appeal of FEA's decision and order in Diamond Shamrock Corp., 5 FEA par. (Mar. 23, 1977).
Do.....	Edginton Oil Co., Washington, D.C. (If granted: Edginton Oil Co. would receive an extension of the exception relief granted in the FEA's Dec. 15, 1976, decision and order and would be relieved of any obligation to purchase entitlements.)	FXE-4064	Extension of the relief granted in Edginton Oil Co., 4 FEA par. 83,243 (Dec. 15, 1976).
Do.....	Getty Oil Co., New York, N.Y. (If granted: An evidentiary hearing would be held in connection with an appeal which Getty filed from a remedial order issued to the firm on Aug. 12, 1976.)	FRX-0152	Supplemental order to Getty Oil Co., 5 FEA par. (Mar. 16, 1977).

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Husky Oil Co. of Delaware, Denver, Colo. (If granted: Husky Oil Co. would receive an extension of the exception relief granted in the FEA's Dec. 15, 1976, decision and order and would be relieved of any obligation to purchase entitlements.)	FXE-4085	Extension of relief granted in Husky Oil Co. of Delaware, 4 FEA par. 83,244 (Dec. 15, 1976).
Do.....	Lunday-Thagard Oil Co., South Gate, Calif. (If granted: Lunday-Thagard Oil Co. would receive an extension of the exception relief granted in the FEA's Dec. 15, 1976, decision and order and would be relieved of any obligation to purchase entitlements.)	FXE-4086	Extension of the relief granted in Lunday-Thagard Oil Co., 4 FEA par. 83,249 (Dec. 15, 1976).
Apr. 21, 1977	Etexas Producers Gas Co., Dallas, Tex. (If granted: The Etexas Producers Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect non-product cost increases in excess of \$0.005/gal.)	FEE-4090	Price exception (sec. 212.165).
Do.....	Cecil Leung d.b.a. Imperial Richfield Service Station, Seattle, Wash. (If granted: The remedial order issued by the FEA region X on Apr. 5 1977, would be rescinded and Cecil Leung would not be required to refund overcharges which it received in its sales of motor gasoline.)	FRA-1268 FRS-1268	Appeal of the remedial order issued by FEA region X on Apr. 5, 1977. Stay requested.
Do.....	Mid-Penn Refining Co., Harmony, Pa. (If granted: Mid-Penn Refining Co. would be assigned a new supplier of motor gasoline to replace its base period supplier, Commonwealth Oil.)	FEE-4088	Exception to change suppliers.
Do.....	Mobil Oil Corp. (Burnell-North Pettus), New York, N.Y. (If granted: The FEA's Apr. 1, 1977, decision and order would be modified and Mobil Oil Corp. would be granted additional price relief covering nonproduct cost increases for natural gas liquid products produced at its Burnell-North Pettus plant.)	FX 1269	Appeal of decision and order in Mobil Oil Corp., 5 FEA par. (Apr. 1, 1977).

[FR Doc.77-13013 Filed 5-3-77;2:27 pm]

INDUSTRIAL ENERGY CONSERVATION

Voluntary Reporting Programs and Corporate Exemptions Notice of Final Determination of Adequacy

On March 18, 1977, the Federal Energy Administration (FEA) issued a preliminary determination as to the adequacy of certain voluntary industrial reporting programs and the proposed exemption of certain corporations from mandatory reporting pursuant to section 376(g) of Part D, Title III of the Energy Policy and Conservation Act (EPCA) (42 U.S.C. 6346(g)) (42 FR 15731, March 23, 1977). Nine comments were submitted in response to the proposal, and FEA has now completed its evaluation of these comments and other relevant information available to it. Accordingly, FEA is hereby issuing its final determination respecting the adequacy of voluntary reporting programs, and is specifying corporate exemptions, as listed in the appendix to this notice.

BACKGROUND

Part D of Title III of the EPCA requires that FEA establish a program to promote increased energy efficiency in American industry and establish voluntary energy efficiency improvement targets for at least the 10 most energy-consuming manufacturing industries in the United States. Corporations identified in accordance with section 373 of the EPCA (42 U.S.C. 6343), which are in industries for which targets have been set by FEA, are required by section 375(a) of the EPCA (42 U.S.C. 6345(a)) to report to FEA on their energy efficiency, except where they are in industries which have adequate voluntary reporting programs, as defined by section 376(g).

Pursuant to section 376(g), a corporation may be exempted from the mandatory reporting requirements under section 375(a) only where it fully participates in a voluntary reporting program, which annually has been determined to

be adequate by FEA after notice and opportunity for public comment. Under section 376(g), an industry's voluntary reporting program shall be determined to be adequate only if each corporation within the industry identified pursuant to section 373 fully participates in the program; all information deemed necessary by FEA for purposes of evaluating the progress made by the industry in achieving its industrial energy efficiency improvement target is provided to FEA; and reports made to a trade association or other person in connection with the voluntary reporting program are retained for a reasonable period of time and are available to FEA. Section 376(g) further provides that if FEA determines that an industry's voluntary reporting program is not adequate solely because any corporation within the industry is not fully participating in the program, then only those corporations which are fully participating shall be exempted from reporting as required by section 375(a).

COMMENTS

All comments received by FEA on its proposed exemptions were from sponsors of voluntary programs or from corporations already participating in such programs. These comments called attention to the fact that revisions in the exemption listing had been previously communicated to FEA but had not been included in the preliminary listing which appeared in the March 23 notice.

Because of insufficient lead time, these revisions were unable to be acknowledged in the preliminary listing. However, since they were in fact received prior to the issuance of that listing, they are now included in this final determination.

ADEQUATE VOLUNTARY REPORTING PROGRAMS AND SPECIFICATION OF CORPORATE EXEMPTIONS

On November 22, 1976, FEA issued criteria which a voluntary reporting program by a trade association or other per-

son must, at a minimum, meet in order that corporations identified pursuant to section 373, and participating therein, may be eligible for an exemption under section 376(g) (41 FR 51868, November 24, 1976). The notice specified that any trade association or other person desiring to establish such a voluntary reporting program must certify in writing, within 30 days of the notice's publication that it is capable of meeting and willing to meet the established criteria. The notice further specified that any corporation desiring an exemption under section 376(g) must certify in writing within 30 days of the notice's publication that the corporation will fully participate in an adequate voluntary reporting program and that it is agreeable to and will abide by the criteria established in the notice.

The appendix to this notice sets forth sponsors of voluntary reporting programs (and their appropriate 2-digit SIC classification) which FEA has determined to be adequate, and those corporations which are exempted from mandatory reporting requirements through their full participation in each sponsor's voluntary program.

Any corporation which will be reporting other than its total energy data in any particular 2-digit SIC Code is listed followed by the term "(Partial)." This signifies that the corporation will be reporting part of its data for that SIC Code through the sponsor under whose program it appears, and the rest of its data through another sponsor or sponsors and/or by itself. Where a company's name is followed by an SIC Code(s) in addition to the one applicable to the sponsor, this indicates that the sponsor will also report data for that company with regard to the additional SIC Code(s).

In order to evaluate the effectiveness of voluntary reporting programs, including the quality of data reported thereunder, FEA intends to review on a selected basis company-specific data.

Issued in Washington, D.C., May 3, 1977.

ERIC J. FROY,
Acting General Counsel,
Federal Energy Administration.

APPENDIX

Aerospace Industries Association of America, Inc. (37)

The Boeing Company
General Dynamics Corporation
Grumman Corporation
LTV Corporation
Martin Marietta Corporation
TRW, Inc.

Air Conditioning and Refrigeration Institute (35)

The Trane Company
Carrier Corporation

Aluminum Association (33)

Anaconda Company (partial)
Revere Copper and Brass, Inc. (partial)
Consolidated Aluminum Corporation
Reynolds Metals Company (33-34)
Aluminum Company of America (28, 33-34)
Kaiser Aluminum & Chemical Corporation (33-34)

National Aluminum/National Steel Corporation (partial)
Ormet Corporation
Howmet Aluminum Corporation/Pechiney
Ugine Kuhlmann Corporation (33 and partial 34)
Martin Marietta Corporation (33-34)

American Bakers Association (20)

Consolidated Foods Corporation (partial)
ITT Continental Baking Company, Inc.
American Boiler Manufacturers Association (34)

Combustion Engineering, Inc.
Babcock & Wilcox Company

American Feed Manufacturers Association (20)

Ralston Purina Company (partial)
Central Soya Company, Inc. (partial)
Cargill, Inc.
Kent Feeds, Inc./Grain Processing Corporation (partial)

Archer Daniels Midland Company (partial)
A.E. Staley Manufacturing Company (partial)

American Foundrymen's Society (33)

Jim Walter Corporation
Anaconda Company (partial)

American Iron & Steel Institute (33)

Bethlehem Steel Corporation
Wheeling-Pittsburgh Steel Corporation
CF&I Steel Corporation/Crane Company
Shenango, Inc.
U.S. Steel Corporation
Cyclops Corporation
Colt Industries
Laclede Steel Company
Republic Steel Corporation
Inland Steel Company
McLouth Steel Corporation
Babcock & Wilcox Company
Northwestern Steel & Wire Company
Alan Wood Steel Company
Kaiser Steel Corporation
Interlake, Inc. (partial)
International Harvester
Ford Motor Company (partial)
Lukens Steel Company
Jones & Laughlin Steel Corporation/LTV Corporation
Armco Steel Corporation
Youngstown Sheet & Tube Company/Lykes Corporation
Allegheny Ludlum Industries, Inc.
Georgetown Steel Corporation
The Timken Company
National Steel Corporation (partial)
American Meat Institute (20)
The Grayhound Corporation
Consolidated Foods Corporation (partial)
Wilson Foods Corporation/LTV Corporation
Oscar Mayer & Company
Swift & Company/Esmark, Inc.

American Mining Congress (33)

Kennecott Copper Corporation (partial)
Newmont Mining Corporation (partial)
Phelps Dodge Corporation (partial)
Amax, Inc.
Anaconda Company (partial)

American Paper Institute (26)

Union Camp Corporation
The Continental Group, Inc.
Boise Cascade Corporation
The Chesapeake Corporation
Great Northern Nekoosa Corporation
Fort Howard Paper Company
Weyerhaeuser Company
Consolidated Papers, Inc.
Inland Container Corporation

Garden State Paper Company, Inc.
Gulf States Paper Corporation
Southland Paper Mills, Inc.
Abitibi Corporation
Fibreboard Corporation
MacMillan Bloedel, Inc.
Hudson Pulp & Paper Corporation
The Proctor & Gamble Company
Green Bay Packaging, Inc.
Hammermill Paper Company
Scott Paper Company
Crown Zellerbach Corporation
Champion International Corporation
St Regis Paper Company
Mead Corporation
Longview Fibre Company
ITT Rayonier, Inc.
Kimberly-Clark Corporation
Container Corporation of America/Mobli Corporation
International Paper Company
Packaging Corporation of America/Tenneco, Inc.
Owens-Illinois, Inc.
Sonoco Products Company
Southwest Forest Industries, Inc.
Temple-Eastex, Inc./Time, Inc.
Westvaco Corporation
Potlatch Corporation
Alton Box Board Company
American Can Company
Bowater, Inc.
Willamette Industries, Inc.
Georgia Pacific Corporation
Brown Company/Gulf & Western Industries, Inc.
Hoerner Waldorf Corporation
Federal Paper Board Company, Inc.
St. Joe Paper Company
Pineville Kraft Corporation

Americans Petroleum Institute (29)

Cities Service Company
Continental Oil Company
Mobil Oil Corporation/Mobli Corporation
Standard Oil Company of Ohio
Tenneco Oil Company/Tenneco, Inc.
Phillips Petroleum Company
Getty Oil Company
Exxon Company, USA/Exxon Corporation
Gulf Oil Corporation
Shell Oil Company
Farmland Industries, Inc.
Ashland Oil, Inc.
Standard Oil Company of California
Standard Oil Company of Indiana
Clark Oil & Refining Corporation
National Cooperative Refinery Association
Kerr-McGee Corporation
Tesoro Petroleum Corporation
Atlantic Richfield Company
Texaco, Inc.
Vickers Petroleum Corporation/Esmark, Inc.
Murphy Oil Corporation
Union Oil Company of California
Sun Oil Company
Rock Island Refining Corporation
Farmers Union Central Exchange
Texas City Refining, Inc.
Husky Oil Company
Total Petroleum, Inc./Total Leonard, Inc.
Marathon Oil Company
Lion Oil Company
Apco Oil Company
Charter International Oil Company
Crown Central Petroleum Corporation
La Gloria Oil and Gas Company
Pennzoil Company
Champion Petroleum Company/Union Pacific Corporation
Coastal States Gas Corporation
Commonwealth Oil Refining Company, Inc.
Quaker State Oil Refining Corporation
Sinclair Oil Corporation
Koch Industries, Inc.
American Petrofina, Inc.
Diamond Shamrock Corporation
Earth Resources Company

American Textile Manufacturers Institute (22)

Cannon Mills Company
Spring Mills, Inc.
Granterville Company
Johnson & Johnson
Dixie Yarns, Inc.
Collins & Alkman Corporation
Greenwood Mills, Inc.
West Point Pepperell, Inc.
The Bibb Company
M. Lowenstein & Sons, Inc.
Dan River, Inc.
Cone Mills Corporation
Avondale Mills
Russell Corporation
Spartan Mills
J. P. Stevens & Company, Inc.
American Thread Company
Monsanto Company
Thomaston Mills
Bemis Company, Inc.
Cranston Print Works Company
United Merchants & Manufacturers, Inc.
Burlington Industries, Inc.
Coats & Clark, Inc.
Reeves Bros., Inc.
Abney Mills
Milliken & Company
Fieldcrest Mills, Inc.
Textiles, Inc.
Goodyear Tire & Rubber Company
Textil Industries, Inc.
Riegel Textile Corporation
Standard-Coosa-Thatcher Company
Crompton Company, Inc.

Battelle Institute (32)

Anchor Hocking Corporation (partial)
Brockway Glass Company, Inc. (partial)
Corning Glass Works (partial)
Owens-Illinois, Inc. (partial)
Owens-Corning Fiberglas Corporation
Biscuit & Cracker Manufacturers Association (20)

Nabisco, Inc. (partial)

Brick Institute of America (32)

Can Manufacturers Institute (34)

The Continental Group, Inc.
American Can Company
Crown Cork & Seal Company, Inc.
National Can Corporation

Carpet & Rug Institute (22)

Computer & Business Equipment Manufacturers Association (35)

Control Data Corporation
International Business Machines Corporation
Sperry Rand Corporation
NCR Corporation
TRW, Inc.

Construction Industry Manufacturers Association (35)

Harnischfeger Corporation
Caterpillar Tractor Company
Ingersoll-Rand Company
J. I. Case Company/Tenneco, Inc. (partial)
International Harvester (partial)
Ford Motor Company (partial)
Fiat-Allis Construction Machinery, Inc.
Cummins Engine Company, Inc.
FMC Corporation
Clark Equipment Company (35 and 37)
Bucyrus-Erie Company

Copper & Brass Fabricators Council (33)

Revere Copper and Brass, Inc. (partial)
Kennecott Copper Corporation (partial)
Phelps Dodge Corporation (partial)
Anaconda Company (partial)

Corn Refiners' Association (20)

H. J. Heinz Company (partial)
 Anheuser Busch, Inc. (partial)
 CPC International, Inc.
 Standard Brands, Inc. (partial)
 Archer Daniels Midland Company (partial)
 Penick & Ford, LTD./Univar Corporation
 A. E. Staley Manufacturing Company (partial)
 American Maize-Products Company
 Grain Processing Corporation (partial)

Farm and Industrial Equipment Institute (35)

J. I. Case Company/Tenneco, Inc. (partial)
 International Harvester (partial)
 Massey-Ferguson, Inc.

Ferroalloys Association (33)

Ohio Ferroalloys Corporation
 Newmont Mining Corporation (partial)
 Interlake, Inc. (partial)

Fertilizer Institute (28)

Hooker Chemical Corporation/Occidental Petroleum Corporation (partial)
 Borden, Inc. (partial)
 Mississippi Chemical Corporation
 Farmland Industries, Inc. (partial)
 The Williams Companies
 International Minerals & Chemical Corporation (partial)
 Union Oil Company of California
 C. F. Industries, Inc.

Forging Industry Association (34)

Cameron Iron Works, Inc.
 The Canton Drop Forging & Manufacturing Company
 NL Industries, Inc.
 Pittsburgh Forgings Company
 TRW, Inc.

General Aviation Manufacturers Association (37)

AVCO Corporation

Glass Packaging Institute (32)

Midland Glass Company, Inc.
 Dart Industries, Inc.
 Kerr Glass Manufacturing Corporation
 Anchor Hocking Corporation (partial)
 Brockway Glass Company, Inc. (partial)
 Owens-Illinois, Inc. (partial)
 Glass Containers Corporation/Norton Simon, Inc.
 Indian Head, Inc.

*Grinding Wheel Institute (32)**Grocery Manufacturers of America (20)*

Borden, Inc.
 General Mills, Inc.
 H. J. Heinz Company (partial)
 Ralston Purina Company (partial)
 Anderson, Clayton & Company
 Nabisco, Inc. (partial)
 Consolidated Foods Corporation (partial)
 The Proctor & Gamble Company
 Kellogg Company
 Carnation Company
 Kraft, Inc.
 The Coca-Cola Company (partial)
 General Foods Corporation
 Pepsico, Inc.
 Standard Brands, Inc. (partial)
 Archer Daniels Midland Company (partial)
 A. E. Staley Manufacturing Company (partial)
 Central Soya Company, Inc. (partial)
 Amstar Corporation

Gypsum Association (32)

Kaiser Cement & Gypsum Corporation (partial)

The Flintkote Company (partial)
 National Gypsum Company (partial)
 Jim Walter Corporation
 U.S. Gypsum Company (partial)

Manufacturing Chemist's Association (28)

National Distillers & Chemical Corporation
 BASF Wyandotte Corporation/Luchem Corporation
 PPG Industries, Inc.
 Union Carbide Corporation (28 and 33)
 Diamond Shamrock
 Air Products and Chemicals, Inc.
 Cities Service Company
 Pennwalt Corporation
 Hooker Chemical Corporation/Occidental Petroleum Corporation (partial)
 Hercules, Inc. (28 and 37)
 Olin Corporation (28 and 34)
 Borden, Inc. (partial)
 Continental Oil Company
 Exxon Chemical Company, USA/Exxon Corporation
 El Paso Products Company
 Monsanto Company
 Standard Oil Company of Ohio
 Tenneco Chemicals, Inc./Tenneco, Inc.
 Phillips Petroleum Company
 Stauffer Chemical Company
 Gulf Oil Corporation
 The Dow Chemical Company (28 and 33)
 Shell Oil Company
 FMC Corporation
 Allied Chemical Corporation
 Kaiser Aluminum & Chemical Corporation
 E. I. DuPont de Nemours & Company, Inc. (28 and 34)
 American Hoechst Corporation (28 and 22)
 Celanese Corporation
 Akzona, Inc.
 American Cyanamid Company
 Standard Oil Company of Indiana
 W. R. Grace & Company
 Firestone Tire and Rubber Company
 Kerr-McGee Corporation
 B. F. Goodrich Chemical Company/B. F. Goodrich Company
 Engelhard Minerals & Chemical Corporation (28 and 32)
 Rohm & Haas Company
 Atlantic Richfield Company
 Texaco, Inc.
 International Minerals & Chemical Corporation (partial)
 Ethyl Corporation
 Eastman Kodak Company
 Farmland Industries, Inc. (partial)

Motor Vehicle Manufacturers Association (38)

General Motors Corporation (37, 33, 34-35)
 Chrysler Corporation (37, 34-35)
 International Harvester
 Ford Motor Company (37 and Partial 33, 34-35)
 American Motors Corporation

National Canners Association (20)

H. J. Heinz Company (partial)
 Ralston Purina Company (partial)
 Stokely-Van Camp, Inc.
 Campbell Soup Company
 Hunt-Wesson Foods, Inc./Norton Simon, Inc. (partial)
 Del Monte Corporation

National Cottonseed Products Association (20)

The Southern Cotton Oil Company, Inc./Norton Simon, Inc. (partial)

*National Independent Meat Packers Association (20)**National Lime Association (32)*

The Flintkote Company (partial)
 U.S. Gypsum Company (partial)

National Gypsum Company (partial)
 Martin Marietta Corporation (partial)
 General Dynamics Corporation

National Soft Drink Association (20)

The Coca-Cola Company (partial)
 Canada Dry Corporation/Norton Simon, Inc. (partial)

Pharmaceutical Manufacturers Association (28)

Merck & Company, Inc.

Portland Cement Association (32)

Lehigh Portland Cement Company
 Kaiser Cement & Gypsum Corporation (partial)
 Marquette Company/Gulf & Western Industries, Inc.
 The Flintkote Company (partial)
 U.S. Steel Corporation
 Grifford-Hill & Company, Inc.
 Lone Star Industries, Inc.
 Newmont Mining Corporation
 Ideal Basic Industries, Inc.
 Alpha Portland Industries, Inc.
 Missouri Portland Cement Company
 General Portland, Inc.
 California Portland Cement Company
 Ash Grove Cement Company
 Filtril Corporation
 Medusa Corporation
 Dundee Cement Company
 Penn-Dixie Industries, Inc.
 Louisville Cement Company
 Amcord, Inc.
 National Gypsum Company (partial)
 Southwestern Portland Cement Company/Southdown, Inc.
 Martin Marietta Corporation (partial)
 Citadel Cement Corporation

Refractories Institute (32)

General Refractories Company (partial)
 Corning Glass Works (partial)
 Combustion Engineering, Inc. (partial)
 U.S. Gypsum Company (partial)
 Dresser Industries, Inc.
 Martin Marietta Corporation (partial)
 Interpace Corporation (partial)
 Kaiser Aluminum & Chemical Corporation
 Eugene L. Stewart, Attorney at law (32)
 PPG Industries, Inc.
 Combustion Engineering, Inc. (partial)
 Ford Motor Company
 Libby-Owens-Ford Company

Tile Council of America (32)

National Gypsum Company (partial)

U.S. Beet Sugar Association (20)

Consolidated Foods Corporation (partial)
 Holly Sugar Corporation
 Great Western Sugar Company/Great Western United Corporation
 The Amalgamated Sugar Company
 American Crystal Sugar Company
 U and I, Inc.

U.S. Brewers Association (20)

Pabst Brewing Company
 Jos. Schlitz Brewing Company
 Anheuser-Busch, Inc. (partial)
 Adolph Coors Company
 Archer Daniels Midland Company (partial)
 U.S. Cane Sugar Refiners Association (20)
 California and Hawaiian Sugar Company
 Archer Daniels Midland Company (partial)
 [FR Doc.77-13145 Filed 5-4-77;3:17 pm]

FEDERAL MARITIME COMMISSION BLACK SEA STEAMSHIP CO.

Order of Revocation

In the matter of certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-136 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,136.

WHEREAS, Black Sea Steamship Company (Black Sea Shipping Company) C/O March Shipping Passenger Services, Suite 5257, One World Trade Center, New York, New York 10048, has ceased to operate the passenger vessel MAKSIM GORKIY (MAXIM GORKI) to and from United States ports; and

WHEREAS, Certificates (Performance) No. P-136 and Certificate (Casualty) No. C-1, 136 applying to the MAKSIM GORKIY (MAXIM GORKI) have been returned for revocation.

It is ordered, That Certificate (Performance) No. P-136 issued to Black Sea Steamship Company and reissued to Black Sea Steamship Company (Black Sea Shipping Company) and Certificate (Casualty) No. C-1,136 issued to Black Sea Steamship Company (Black Sea Shipping Company) applying to the MAKSIM GORKIY (MAXIM GORKI) be and are hereby revoked effective April 29, 1977.

It is further ordered. That a copy of this Order be published in the FEDERAL REGISTER and served on certificant.

By the Commission April 29, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-13171 Filed 5-6-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI77-39]

COLORADO OIL & GAS CORP.

Application for Special Relief Pursuant to Section 2.76

MAY 2, 1977.

Take notice that on February 28, 1977, Colorado Oil & Gas Corporation (Colorado Oil) filed an application for special relief under the provisions of Section 2.76 of the Commission's Statements of Policy and Interpretations and Order No. 481. Colorado Oil seeks to increase its rate from approximately 12 cents per Mcf to approximately 51 cents per Mcf in connection with gas produced from the Howell No. 1 well, Keyes Field, Cimmaron County, Oklahoma and sold under a contract¹ to Colorado Interstate Gas Company (Colorado). Applicant states that during September, 1976 said well was shut-in due to compressor mechanical failure but following work over and com-

¹Colorado Oil, 100 percent working interest owner, currently sells subject gas production pursuant to a contract dated October 30, 1969 under FPC Gas Rate Schedule No. 65.

pressor overhaul expenditures of \$25,375 it recommenced production and sales to Colorado in December, 1976, thereby preserving Colorado Oil's leasehold working interest. Colorado Oil states that a total rate of approximately 51 cents per Mcf will reimburse it for unrecovered capital costs plus production expenses in addition to receiving a 15 percent rate of return plus an allowance for Federal income tax liability.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 23, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-13165 Filed 5-6-77;8:45 am]

[Docket No. ER77-318]

KANSAS CITY POWER & LIGHT CO.

Filing of Change in Rate Schedule

MAY 2, 1977.

Take notice that on April 22, 1977, Kansas City Power & Light Company (KCPL) tendered for filing a Municipal Wholesale Firm Power Contract dated February 7, 1977, between KCPL and the City of Pomona, Kansas. KCPL requests an effective date thirty (30) days after filing. The Contract terminates the Municipal Wholesale Firm Power Contract, dated January 3, 1973, KCPL Rate Schedule FPC No. 71, and provides for rates and charges for wholesale firm power service by KCPL to the City of Pomona.

KCPL states that the proposed rates are KCPL's rates and charges for similar service under schedules previously filed by KCPL with the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this fil-

ing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-13168 Filed 5-6-77;8:45 am]

[Docket No. ER77-315]

LONG ISLAND LIGHTING CO.

Filing of Initial Rate Schedule

MAY 2, 1977.

Take notice that on April 21, 1977, Long Island Lighting Company (LILCO) tendered for filing as an initial rate schedule an exchange agreement ("the Agreement") between LILCO and two member companies of the Northeast Utilities System (the NU Companies); the Connecticut Light and Power Company (CL&P) and the Hartford Electric Light Company (HELCO). LILCO indicates that the Agreement provides for LILCO to exchange gas turbine capacity from its system for capacity in the NU Companies' Middletown Unit No. 4 and Montville Unit No. 6, both mid range fossil fired steam units.

LILCO requests a waiver of the Commission's notice requirements to allow the Agreement to become effective as of July 1, 1976.

LILCO states that the Agreement provides that the parties will determine prior to 7 a.m. of the first Monday of each week during the term of the Agreement whether exchanges pursuant to the Agreement shall take place during that week. And that if the parties determine that an exchange is advantageous, LILCO will pay capacity charges to the NU Companies in an amount equal to the capacity exchanged during the week times \$0.00274 times the number of hours during each week subject to a pro rata deduction for any hour during which LILCO calls for receipts from or deliveries to the NU Companies and the NU Companies are unable to meet such demands. LILCO further states that it will purchase energy from such units at the incremental cost of providing such energy and that the NU Companies will pay LILCO's incremental cost of providing any energy taken by the NU Companies pursuant to the Agreement.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1977. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing

are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-13164 Filed 5-6-77;8:45 am]

[Docket No. ER77-319]

NEPOOL EXECUTIVE COMMITTEE

Filing of Amendment to the New England Power Pool Agreement

MAY 2, 1977.

Take notice that on April 22, 1977, the NEPOOL Executive Committee filed an Agreement Amending the NEPOOL Power Pool Agreement (Amendment), dated December 31, 1976, which modifies the provisions of the New England Power Pool Agreement, dated as of September 1, 1971.

The NEPOOL Executive Committee indicates that the Amendment provides for revisions of Sections 9.2 (a); (b); (c); 9.3; 9.4 (a); (c) and 15.8 of the NEPOOL Agreement to provide revised arrangements for determining support by the NEPOOL participant systems of the generating capacity required to meet pool reliability standards. The NEPOOL Executive Committee states that the revised capability responsibility arrangements are intended to reduce uncertainties of the pool participants regarding their pool capability responsibilities and that these uncertainties have arisen during the period of reduced load growth experienced by the New England region following the 1973/1974 energy crisis. Moreover, the NEPOOL Executive Committee states that the revised arrangements are designed to preserve the pool's generation capacity planning and equalized reserve concepts, but provide that each participant's pool capability responsibility will be proportionate to its own actual load experience.

The NEPOOL Executive Committee requests that the Commission permit the Amendment to become effective as of November 1, 1977.

Any person desiring to be heard or to make any protest with reference to the Amendment should on or before May 13, 1977 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-13167 Filed 5-6-77;8:45 am]

[Docket No. ER77-316] PENNSYLVANIA ELECTRIC CO.

Filing of Amendment

MAY 2, 1977.

Take notice that Pennsylvania Electric Company (Penelec) on April 20, 1977 tendered for filing the amendment of its Wheeling and Supplemental Power Agreement with Allegheny Electric Cooperative, Inc. (Allegheny).

Penelec indicated that on January 31, 1977, in response to an order of the Commission issued January 14, 1977, Penelec filed revised sheets to its FPC Electric Tariff, and revisions to a Wheeling and Supplemental Power Agreement with Allegheny Electric Cooperative, Inc. ("Allegheny"). This submission was subsequently accepted for filing on March 28, 1977, and became effective February 26, 1976, thus terminating Docket No. ER76-301.

Penelec further states that following its filing of January 31, 1977, Allegheny formally executed the amendment of its Wheeling and Supplemental Power Agreement, an unexecuted form of which had been incorporated in the January 1977 filing. Penelec thereby tendered to the Commission an executed Amendment with Allegheny, to be substituted for the unexecuted version.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-13169 Filed 5-6-77;8:45 am]

[Docket No. RI77-55]

TRANSOCEAN OIL, INC.

Petition for Special Relief

MAY 2, 1977.

Take notice that on April 6, 1977, TransOcean Oil, Inc. (Petitioner), 1700 First City East Building, Houston, Texas 70002, in Docket No. RI77-55 filed a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner seeks authorization to charge a base rate of 39.5 cents per Mcf at 14.73 psia exclusive of all severance and production taxes, Btu adjustment, and gathering allowance for the sale of gas to Texas Gas Transmission Corporation from the D. M. Robinson No. 1 Well

located in Maxie Field, Acadia Parish, Louisiana. The subject gas is currently being sold at a base rate of 29.5 cents per Mcf at 14.73 psia exclusive of all severance and production taxes, Btu adjustment, and gathering allowance.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 23, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-13166 Filed 5-6-77;8:45 am]

[Docket No. ER77-311]

UTAH POWER & LIGHT CO.

Tariff Change

APRIL 29, 1977.

Take notice that Utah Power & Light Company on April 20, 1977, tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume No. 1. The Company indicates that the proposed changes would increase revenues by \$6,243,000 from jurisdictional sales and service based on the 12-month period ending December 31, 1977.

The Company states that the increases are necessary because of inflationary increases in all categories of costs, and to attain a reasonable rate of return on these sales for resale.

The Company requests an effective date of May 23, 1977 for these proposed changes.

Copies of the filing were served upon the Company's jurisdictional customers, and regulatory commissions for the states of Utah, Idaho and Wyoming.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-13170 Filed 5-6-77;8:45 am]

[Docket No. CS71-767, et al.]

CORNELIA CULLEN LONG, ET AL.Applications for "Small Producer"
Certificates¹

APRIL 29, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS71-767 ¹	Apr. 4, 1977	Cornelia Cullen Long, First City National Bank Bldg., Houston, Tex. 77002.
CS71-354 ²	Aug. 23, 1974	World Hydrocarbon, Inc., 900 Empire Life Bldg., Dallas, Tex. 75201.
CS72-333	Mar. 28, 1977 ³	Vanderbilt Resources Corp., 10403 West Colfax, suite 600, Denver, Colo. 80215.
CS72-1170	Apr. 1, 1977 ⁴	Ameco Energy Corp., 4825 L.B.J. Freeway, suite 110, Dallas, Tex. 75234.
CS74-35	Apr. 4, 1977 ⁵	Estate of Bobby M. Burns, in care of L. F. Ley, Bank and Trust Tower, B. & T. 86, Corpus Christie, Tex. 78477.
CS77-455	Apr. 8, 1977	American International Gas Train-Ritchie Mines, box 428, Cairo, W. Va. 25337.
CS77-456	Apr. 11, 1977	Oil Patch Leasing Corp., P.O. Box 1086, Borger, Tex. 79007.
CS77-457	.....do.....	Dwight J. Wilson, 14th floor, 125 North Market, Wichita, Kans. 67202.
CS77-458	.....do.....	L. & B. Leasing, Inc., P.O. Box 18, Vincennes, Ind. 47781.
CS77-459	.....do.....	Spearater Grain Co., P.O. Box 666, Spearman, Tex. 76081.
CS77-460	Apr. 13, 1977	D-A Lubricant Co., Inc., 4415 Euclid Ave., Cleveland, Ohio 44103.
CS77-461	Apr. 14, 1977	Herman J. Ledbetter, 1002 Sayles Blvd., Abilene, Tex. 79605.
CS77-462	.....do.....	Molz Oil Co., P.O. Box 148, Medicine Lodge, Kans. 67104.
CS77-463	Apr. 15, 1977	Pano Tech Exploration Corp., 2015 C. & I. Bldg., Houston, Tex. 77002.
CS77-464	.....do.....	UGC Energy Corp., 1200 Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219.
CS77-465	Apr. 18, 1977	Clyde Joe Holman d.b.a. Holman Oil Co., P.O. Box 819, Okmulgee, Okla. 74447.
CS77-466	.....do.....	Bill J. Dutton, 620 1st National Center, Hutchinson, Kans. 67501.
CS77-467	.....do.....	W. M. Smith d.b.a. Ora Oil Co., P.O. Box 1757, Shreveport, La. 71168.
CS77-468	.....do.....	Drovila Oil Corp., P.O. Box 5597, Shreveport, La. 71105.
CS77-469	.....do.....	Cleo H. Duggar, P.O. Box 2172, Rosewell, N. Mex. 85201.
CS77-470	.....do.....	E. B. O'Hara, 1330 Metroband Bldg., Denver, Colo. 80202.
CS77-471	.....do.....	Aistate Petroleum Corp.
CS77-472	.....do.....	Hobe, Inc.
CS77-473	.....do.....	Paul Randels, 5417 El Dorado Dr., Fort Worth, Tex. 76107.
CS77-474	.....do.....	Northridge Oil Co., P.O. Box 6087, Texarkana, Tex. 75501.

¹ Applicant requests that Long Resources, Inc., be added as a holder of the small producer certificate in docket No. CS71-767 to reflect certain assignment of acreage to Long Resources.

² Filing reflects that Alston Oil Co. merged into World Hydrocarbon Exchange, Inc., on Oct. 25, 1973, and that on Nov. 12, 1973, the name was changed to World Hydrocarbon, Inc., as evidenced by a certificate of amendment issued by the secretary of state of the State of Texas.

³ Applicant requests amendment of the original small producer certificate issued in docket No. CS72-333 to include Vanderbilt Energy Corp.

⁴ Ameco Energy Corp. is a successor by merger to Continental Energy Corp. Applicant requests change of name to Ameco Energy Corp.

⁵ Filing reflects change of name.

[FR Doc.77-13039 Filed 5-6-77;8:45 am]

**SUPPLY-TECHNICAL ADVISORY TASK
FORCE—SYNTHESIZED GASEOUS HY-
DROCARBON FUELS****Meeting**

Final task force meeting in conference room 5200, Federal Power Commission, Union Center Plaza Building, 825

North Capitol Street NE., Washington, D.C. 20426, June 2, 1977, 9:30 a.m. Presiding: Mr. William J. McCabe, FPC Coordinating Representative and Secretary, Gas Policy Advisory Council.

1. Call to order and introductory remarks—Mr. William J. McCabe.

2. Remarks by chairman and vice chairman—Dr. Alan G. Fletcher, Mr. Charles W. Margolf.

3. Working session—Final review of economic analysis—Dr. James J. Harris.

4. Other business.

5. Adjournment—Mr. William J. McCabe.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-13162 Filed 5-4-77;4:19 pm]

**FEDERAL RESERVE SYSTEM
FEDERAL OPEN MARKET COMMITTEE
Longer Run Ranges for Monetary
Aggregates**

In accordance with the Committee's rules regarding availability of information, notice is given that on April 19, 1977, the Federal Open Market Committee adopted the following ranges for rates of growth in monetary aggregates for the period from the first quarter of 1977 to the first quarter of 1978: M-1, 4½ to 6½ per cent; M-2, 7 to 9½ per cent; and M-3, 8½ to 11 per cent.

By order of the Federal Open Market Committee, May 3, 1977.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.77-13109 Filed 5-6-77;8:45 am]

**FIRST NORTHERN BANCORP
Formation of Bank Holding Company**

First Northern Bancorporation, Anchorage, Alaska, has applied for the Board's approval under section 3(a) (1) of the Bank Hold Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 68.8 percent or more of the voting shares of The First National Bank of Fairbanks, Fairbanks, Alaska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 28, 1977.

Board of Governors of the Federal Reserve System, May 3, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-13113 Filed 5-6-77;8:45 am]

KSB, LTD.**Formation of Bank Holding Company**

KSB, Ltd., Keokuk, Iowa, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Keokuk Savings Bank and Trust Company, Keokuk, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 30, 1977.

Board of Governors of the Federal Reserve System, May 2, 1977.

GRIFFITH L. GARWOOD,

Deputy Secretary of the Board.

[FR Doc. 77-13107 Filed 5-6-77; 8:45 am]

MANUFACTURERS HANOVER CORP.**Order Approving Retention of Offices of Ritter Financial Corporation and Recommendation of Reinsurance Activities**

Manufacturers Hanover Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c) (8) of the Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR § 225.4(b) (2)), to retain indirectly seven offices of Ritter Financial Corporation, Wyncote, Pennsylvania ("Ritter"), a wholly owned subsidiary of Applicant. The offices that Applicant has applied to retain engage in the following activities: Making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a finance company, servicing loans and other extensions of credit for any person and acting as agent or broker for the sale of credit-related life insurance and credit accident and health insurance. These activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1), (3), and (9)). The offices are located in Sicklerville, New Jersey; Fairmont, Red Springs and Wadesboro, North Carolina; Hummelstown, Pennsylvania; and Warsaw and Woodstock, Virginia.

Applicant has also applied for the Board's approval to recommence the activity of reinsuring credit life insurance and credit accident and health insurance that is directly related to extensions of credit by the Ritter organization in North Carolina and Pennsylvania. These activities have also been determined by the Board to be closely related to banking (12 CFR 225.4(a) (10)).

Notice of the applications, affording opportunity for interested persons to

submit comments and views on the public interest factors, has been duly published (42 FR 16190 (1976)). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c) (8) of the Act (12 U.S.C. 1843(c) (8)).

Applicant is the third largest banking organization in New York State and the fourth largest nationally.¹ Applicant controls Manufacturers Hanover Trust Company, New York, New York. Ritter, a regional consumer finance company with total assets of approximately \$111 million and net receivables of approximately \$102 million, was acquired by Applicant on January 3, 1975, pursuant to Board approval granted effective December 10, 1974 (61 Fed. Res. Bulletin 42 (1975)).

At the time that applicant filed its application to acquire Ritter, the latter had 125 offices in Connecticut, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia. During the pendency of that application, Ritter opened eight additional offices;² however, Applicant did not amend its application to reflect those additional offices. Accordingly, the Board's approval of Applicant's application to acquire Ritter related only to the 125 offices that were listed in its application. Applicant's operation of offices for which it did not obtain prior Board approval was in violation of the Board's Regulation Y.³ By this application, Applicant seeks to bring the operation of its additional offices into conformity with the Act.

In acting on applications pursuant to § 4(c) (8) of the Act to retain offices or to recommence engaging in activities in situations where the necessary prior Board approval was not obtained for such offices or activities, the Board applies the same standards as it does to applications to establish such offices and commence such activities initially. In addition, the Board considers the competitive effects of such proposals as of the time that the offices were established or the activities commenced.

At the time that it approved Applicant's application to acquire Ritter, the Board noted that only a slight amount of existing competition would be eliminated between Applicant and Ritter. The competition that did exist was a result of the proximity of Ritter's two Connecticut offices to the Metropolitan New York market in which Applicant operated. Because of the locations of the offices that are the subject of this application, it does not appear that any competition between Applicant and those offices existed at the time that the Board approved Applicant's application nor does it appear that any competition exists at this time.

¹ All banking and other financial data are as of December 31, 1975.

² One of the offices opened during this period was subsequently closed.

³ See 12 CFR § 225.4(c) (2).

With respect to potential competition, the Board, in approving Applicant's original application, stated that it was questionable whether Applicant's de novo expansion in the consumer finance company business or accelerated growth in its consumer lending would give rise to substantial future competition between Applicant and Ritter. The Board concluded that the only significant competition that would be foreclosed by approval of the application would be some distance in the future. It does not appear that the Board's conclusion on this question would have been affected by an awareness of the existence of the additional offices; nor does it appear, on the basis of information in the record, that a significant amount of future competition would be eliminated by retention of these offices. Accordingly, it is the Board's conclusion that no significant amount of existing or potential competition would be eliminated as a result of Applicant's retention of the additional offices. Moreover, there is no evidence in the record indicating that retention of these offices would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c) (8) is favorable. Accordingly, the application to retain the seven offices is hereby approved.

As part of its Order approving Applicant's acquisition of Ritter, the Board also specifically authorized Applicant, through a subsidiary of Ritter, to act as reinsurer of group credit life and credit accident and health insurance sold in connection with extensions of credit by Ritter's offices in Virginia, West Virginia, and New Jersey. Applicant's application indicated that Ritter was engaged in reinsurance activities only in those three States and, accordingly, the Board's Order of December 10, 1974, only authorized Applicant to engage in reinsurance activities in those three States. Applicant, however, commenced reinsurance activities in the States of North Carolina and Pennsylvania on December 16, 1975, and June 1, 1975, respectively. Applicant's performance of this activity without the prior approval of the Board was in violation of the Board's Regulation Y.⁴ Applicant, at the request of the Board's staff, has terminated its reinsurance activities in North Carolina and Pennsylvania pending the Board's action on its application.

Credit life insurance and credit accident and health insurance are generally made available by banks and other lenders and are designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of the underwrit-

⁴ See 12 CFR 225.4(c) (2).

ing of such insurance to the list of permissible activities for bank holding companies, the Board stated:

To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service (12 CFR 225.4(a) (10) n. 7).

Applicant has stated that, upon commencement of reinsurance activities in North Carolina and Pennsylvania, it would reduce the rates charged by Ritter's subsidiaries for credit life and credit accident and health insurance in the two States by amounts ranging from 2 per cent to 7.5 per cent.⁵ The Board is of the view that the availability of this service at reduced premiums is in the public interest. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, decreased or unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, including a commitment by Applicant, with respect to its proposed underwriting activities, to maintain on a continuing basis the public benefits that the Board has found to be reasonably expected to result from this proposal and upon which the approval of that aspect of this proposal is based, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c) (8) is favorable. Accordingly, the application is hereby approved.

As indicated above, the subject applications consist of after-the-fact requests for the Board's approval to conduct operations that had been commenced in violation of the Board's Regulation Y. It is the Board's view, on the basis of the facts and circumstances of the subject applications, that the violations were inadvertent. In acting on the applications, the Board took into consideration the fact that Applicant, upon becoming aware of the existence of the violations, took steps to conform its operations to the Act by filing the subject applications. In addition, Applicant's senior management has taken steps to prevent violations from occurring by establishing procedures for centralized internal review of all of Applicant's activities for compliance with the substantive and procedural requirements of the Act and the Board's Regulation Y. The Board

expects that these actions will assist Applicant in avoiding a reoccurrence of similar violations. In consideration of the above and other information in the records of these applications, the Board has determined that the circumstances of the above violations do not warrant denial of the applications.

The determination with respect to these applications is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,
effective May 3, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 77-13112 Filed 5-6-77; 8:45 am]

NORTHWEST BANCORP.

Order Denying Acquisition of Bank

Northwest Bancorporation, Minneapolis, Minnesota, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire 90 per cent or more of the voting shares of First National Bank, Fort Dodge, Iowa, Fort Dodge, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in Iowa and controls 7 banks with aggregate deposits of \$721 million, representing approximately 6.1 percent of the total deposits in commercial banks in Iowa.¹ In addition to its holdings in Iowa, Applicant also controls 75 banks in six nearby states with total deposits of approximately \$6 billion. Acquisition of Bank (\$62.6 million in deposits) would increase Applicant's share of commercial bank deposits in Iowa by 0.5 per cent.

Bank is located in the Fort Dodge banking market, which is approximated by Webster County plus Cedar and Reading townships in adjoining Calhoun County. Applicant's banking subsidiary closest to Bank is located in Des Moines, Iowa, 87 miles from Bank, and there is currently no meaningful competition between Bank and any of applicant's

banking subsidiaries. Accordingly, no significant existing competition would be eliminated between Bank and any of Applicant's subsidiary banks upon consummation of this proposal.

The Fort Dodge banking market is highly concentrated, the three largest of the eight banks in that market controlling approximately 85 percent of market deposits and 88 per cent of market loans. Bank is the largest bank in this market, holding approximately 30 per cent of total market deposits, and appears to be a viable and effective competitor. Thus, approval of the present proposal would enable Applicant to establish itself as a significant competitor in a highly concentrated market through the acquisition of the largest bank in that market. Prospects for deconcentration of the Fort Dodge market are few, essentially limited by Iowa's restrictive branch banking law to establishment of de novo banks.²

Applicant's acquisition of the largest bank in the market will do nothing to decrease this market concentration. To the contrary, it would eliminate the probability that Applicant would enter the market de novo and, through its competitive efforts to gain an increased market share, decrease present concentration in the market. It is also probable that the proposed acquisition would deter other banking organizations from attempting de novo entry into the Fort Dodge market.

On the basis of total deposits in the seven states in which it operates, Applicant is approximately ten times larger than the second largest Iowa bank holding company and its acquisition of the largest bank in the Fort Dodge market may be expected to discourage other Iowa banking organizations from entry into that market. Thus, acquisition of Bank by Applicant would probably eliminate any likelihood that the market would become less concentrated in the future. In view of the total resources available to Applicant, the absolute size of Bank, and its relative position in the market, the prospects for increased competition and deconcentration of the Fort Dodge market would be diminished as a result of the contemplated acquisition.

There can be no doubt that Applicant possesses the resources to accomplish a de novo entry into the Fort Dodge banking market. Indeed, the financial and managerial resources available to Applicant coupled with the relatively small size of the Fort Dodge banking market suggest that a de novo banking subsidiary established by Applicant in this market could become a substantial competitor within a brief period of time. Evidence of record suggests that Applicant is engaged in an expansion program designed to accomplish the acquisition of a bank in each of Iowa's major banking markets. Thus, if Fort Dodge is attractive for de novo entry, Applicant

⁵ Applicant's reduced premium rate schedule became effective on November 1, 1976. Applicant also undertook to rebate to Ritter's North Carolina and Pennsylvania customers' amounts charged prior to November 1, 1976, that were in excess of the reduced premium rates.

¹ Voting for this action: Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Gardner.

² All banking data are as of June 30, 1976.

² Iowa law generally prohibits the establishment of a branch office in any town in which another bank is located. Iowa Code Ann. § 524.1202. Thus, no bank may branch into Fort Dodge.

must be regarded as a potential de novo entrant.³

Population per banking office and deposits per banking office in the Fort Dodge market are higher than those for all counties in Iowa that, like Webster County, have not been classified as Standard Metropolitan Statistical Areas ("SMSA's"), although such ratios are somewhat lower than those for counties of similar total population. In terms of total deposits, however, the Fort Dodge market is the ninth largest banking market in Iowa and its population growth compares favorably with other Iowa non-SMSA counties.⁴ Retail sales per banking office in Fort Dodge are nearly twice as high as in any other non-SMSA county and future economic growth appears likely in view of the establishment of a new industrial park and other developments in the city of Fort Dodge.

Another indicium of the market's attractiveness for de novo entry is the above-average profitability of each of the three banks located in the city of Fort Dodge. Indeed, the return on assets at Bank and at the second largest Fort Dodge bank over the last four years has averaged 40 percent above that of other banks of similar size in Iowa. For the market as a whole, return on assets has been 12 per cent above all banks in the state. This disparity in profitability may well be related to the concentrated nature of the market, and thus be indicative of the substantial precompetitive effect Applicant's de novo entry would likely have. There is no evidence in the record to suggest that either the Iowa Superintendent of Banking or the Comptroller of the Currency would not grant an application to charter a de novo bank in Fort Dodge.

De novo entry by Applicant into the Fort Dodge market would not only increase competition therein by introducing a new and aggressive competitor into the market, but would also tend to re-

duce the concentration of banking resources in the market while preserving Bank as a viable competitive force in the market. In addition, the possibility would be preserved that Bank might become affiliated with one of the state's smaller bank holding companies—not an unlikely prospect in view of Bank's attractiveness for acquisition, due in part to its market position. On the basis of the facts of record, the Board concludes that consummation of the proposed acquisition would have a substantial adverse effect on potential competition in the Fort Dodge banking market.

Unless such anticompetitive effects are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the communities to be served, the application must be denied.⁵ The financial and managerial resources and future prospects of Applicant, and its subsidiary banks, are regarded as generally satisfactory while those of Bank are regarded as satisfactory. There is no evidence in the record to indicate that the banking needs of the relevant market are not being met by the existing institutions in the market. While certain benefits to the convenience and needs of the communities to be served might result from Applicant's acquisition of Bank, such benefits would also derive from entry by less anticompetitive means. Accordingly, although banking factors and considerations relating to the convenience and needs of the communities to be served are consistent with approval, they do not outweigh the substantial adverse competitive effects of the proposal. It is the Board's judgment that on the basis of the entire record, consummation of the proposed acquisition would not be in the public interest and that the application should be and hereby is denied.

By order of the Board of Governors,⁶
effective May 2, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-13108 Filed 5-6-77; 8:45 am]

PEOPLES BANKING CORP.

Order Approving Acquisition of Bank

Peoples Banking Corporation, Bay City, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of The First National Bank of Lapeer, Lapeer, Michigan ("Bank"). Bank is to be merged into a bank that has no significance except as a means to facilitate the acquisition of the voting shares of Bank.

³ Northwest Bancorporation/First National Bank of Dubuque, 59 Fed. Res. Bull. 762 (1973) (convenience and needs considerations insufficient to outweigh adverse competitive effects).

⁴ Voting for this action: Governors Walsh, Coldwell, Jackson and Partee. Abstaining: Governor Lilly. Absent and not voting: Chairman Burns and Governor Gardner.

Bank would be the successor organization.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the thirteenth largest banking organization in Michigan, controls five banks with aggregate deposits of approximately \$421.1 million representing 1.4 per cent of the total deposits in commercial banks in the State.¹ As a result of the acquisition of Bank, Applicant's share of deposits in commercial banks in Michigan would increase by 0.2 per cent and Applicant's rank in the State would increase from thirteenth to twelfth; however, without an appreciable effect upon the concentration of banking resources in Michigan.

Bank (\$58.2 million in deposits) is the fifth largest of fourteen banking organizations in the Flint banking market, which is the relevant banking market for purposes of analyzing the competitive effects of the proposed transaction.² Bank controls approximately 3.0 per cent of the deposits in commercial banks in the market. Applicant's subsidiary, Frankenmuth Bank & Trust, Frankenmuth, Michigan ("Frankenmuth Bank"), operates five offices in the market and controls 4.1 per cent of the market's deposits, making Applicant the fourth largest banking organization in the market. Frankenmuth Bank's offices are located north and west of Flint, the market's principal city. Bank's offices are located southeast of Flint. The shortest distance between an office of Bank and an office of Frankenmuth Bank is 20 miles. In addition, a large number of intervening banks exist between Bank and Frankenmuth Bank. To the extent that Bank and Frankenmuth Bank operate in the same market, some existing competition would be eliminated as a result of the proposed transaction. However, the Board does not believe that approval of the application would result in the elimination of significant existing competition. Moreover, in view of the restrictions of Michigan law upon branching, it is unlikely that a significant amount of additional competition would develop between Bank and Frankenmuth Bank in the future.

The Flint banking market is highly concentrated with the two largest banking organizations controlling almost 70 per cent of commercial bank deposits in the market. Although consummation of the proposed transaction would increase somewhat the degree of concentration in

¹ All banking data are as of June 30, 1976.

² The Flint banking market is approximated by the Flint RMA (Ranally Metro Area) with the exception of that portion which extends into Shiawassee County and Attica Township east of Lapeer in Lapeer County.

³ Although the smaller banks in the market could be regarded as possibilities for a "foot-hold" acquisition, all are located outside of the city of Fort Dodge and are prevented from branching into Fort Dodge by Iowa law, thus making them unattractive for such an acquisition. Moreover, the primary opportunity for bank growth in the market is in the city of Fort Dodge. As none of these banks may enter that city it is not likely that they will be able to attract sufficient new business to significantly deconcentrate the market, either as independent banks or as a subsidiary of a bank holding company such as Applicant. Only a de novo bank located in the city of Fort Dodge would be capable of effecting such deconcentration. Thus, the market's attractiveness for de novo entry and the preservation of Applicant as such a potential entrant are major considerations with regard to this application.

⁴ Non-SMSA data appear more relevant as Applicant is already represented in, or has applied to acquire banks in, six of Iowa's seven SMSA's. Between 1960 and 1970 Webster County population grew at a rate of 1.2 per cent annually, a growth rate which was only one-half of the state average of 2.4 per cent, but which was also significantly above that of the state's non-SMSA counties, which showed a population decrease of 1.2 per cent during this period.

the market (the four largest banking organizations control 86.6 per cent of market deposits), the Board views this proposal as a means whereby Applicant would be able to compete more effectively with the two largest organizations operating in the market. After consummation of the proposed transaction, several other organizations will remain available for acquisition by banking organizations not presently operating in the market. In the Board's judgment the proposed transaction would not result in the elimination of a significant amount of existing or future competition between Applicant and Bank. Furthermore, it is the Board's view that the effects of the proposal in increasing the level of concentration in the market are outweighed by the fact that Applicant will, as a result of the proposed transaction, be in a position to compete more effectively with the market's two dominant organizations.

Considerations relating to financial and managerial resources and future prospects of Bank, Applicant, and its subsidiaries are regarded as satisfactory and consistent with approval, particularly in view of Applicant's commitment to inject 880,000 in additional capital into Bank. Upon consummation of the proposal, it is proposed that Bank will begin compounding interest on time and savings deposits on a daily basis. Bank will also begin offering certificates of deposit with longer maturity periods and will expand its trust services. Thus, considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application and are regarded as sufficient to outweigh any slightly adverse competitive effects that might result from consummation of the proposal. The Board has therefore determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,²
effective May 2, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-13111 Filed 5-6-77; 8:45 am]

² Voting for this action: Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Gardner.

SEAFIRST CORP.

Order Approving Acquisition of Seafirst Life Insurance Company and SFC Insurance Company

Seafirst Corporation, Seattle, Washington, a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under section 4(c) (8) of the Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR § 225.4(b) (2)), to acquire indirectly, through its wholly owned subsidiary, Seafirst Insurance Services Corporation, Seattle, Washington, all of the voting shares of Seafirst Life Insurance Company, Seattle, Washington ("Company"), a company that will engage de novo in the activity of underwriting, directly and as reinsurer, credit life and credit accident and health insurance that is directly related to extensions of credit by Applicant or its credit extending subsidiaries, and SFC Insurance Company, Phoenix, Arizona ("SFC"), a company that will engage de novo in the activity of underwriting, only as reinsurer, credit life and credit accident and health insurance that is directly related to extensions of credit by Applicant or its credit extending subsidiaries. Such activities have been determined by the Board to be closely related to banking (12 CFR § 225.4(a) (10)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (42 FR 15466 (1977)). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in 4(c) (8) of the Act (12 U.S.C. 1843(c) (8)).

Applicant, the largest banking organization in Washington, controls one subsidiary bank, the largest bank in the State, with total domestic deposits of \$3.3 billion, representing approximately 33.0 percent of the total deposits in commercial banks in the State.¹ Applicant also engages in the activities of mortgage banking, leasing and providing computer services through operating subsidiaries of its subsidiary bank.

Company and SFC are both presently nonoperating companies. Company, a Washington corporation, would limit its activities to underwriting, both directly and as reinsurer, credit life and credit accident and health insurance that is directly related to extensions of credit by Applicant's credit extending subsidiaries. SFC, an Arizona corporation, would engage in the same activities as Company, but only as reinsurer, and its activities would involve acting as reinsurer of

credit accident and health insurance ceded to it by Company. As indicated above, these proposals involve engaging in these activities de novo, and consummation of these transactions would not have any adverse effect upon existing or potential competition in any relevant market.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board stated:

To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service. [12 CFR § 225.4(a) (10) n. 7]

Applicant proposes, upon approval of the subject applications, to offer credit life insurance at rates by from 3.3 to 13.6 percent below the prima facie rates established in Washington, and to offer credit accident and health insurance at rates from 2.5 to 7 percent below the prima facie rates established in Washington, including 30 day, 14 day, or 7 day retroactive coverage. In addition, credit card insurance would be offered at rates 20 percent below the prima facie rate established in Washington.² The Board concludes that Applicant's proposed reductions in insurance premiums are procompetitive and in the public interest.

Based upon the foregoing and other considerations reflected in the record, including a commitment by Applicant to maintain on a continuing basis the public benefits which the Board has found to be reasonably expected to result from these proposals and upon which the approval of these proposals is based, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c) (8) is favorable. Accordingly, the applications are hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions

² It should be noted that the subject applications seek approval to engage in the insurance activities described herein concerning insurance sold to customers in the State of Washington only.

¹ All banking data are as of June 30, 1976, and reflect mergers and acquisitions through March 31, 1977.

and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

These transactions shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,³
effective May 2, 1977.

GRAFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-13110 Filed 5-6-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Public Meeting

AGENCY: National Advisory Council on Equality of Educational Opportunity.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed agenda of the forthcoming meeting of the National Advisory Council on Equality of Educational Opportunity. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C., Appendix 1, 10 (a) (21)). This document is intended to notify the general public of their opportunity to attend.

DATE AND PLACE OF MEETING: June 3 and 4, 1977; Boston, Massachusetts.

ADDRESS: On Friday, June 3, the meeting will be held in Room 2003-A, HEW Conference Room, in the John F. Kennedy Federal Building, Government Center. On Saturday, June 4, the meeting will be held at the Parker House Hotel, 60 School Street.

FOR FURTHER INFORMATION, CONTACT:

Rosemarie Maynez, Administrative Assistant, NACEEO, 1325 G Street, NW., Suite 710, Washington, D.C. 20005. Phone: 202-382-7985.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92-318, Title VII, as amended by Pub. L. 93-380 and Pub. L. 94-482). The Council is established to: (1) Advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications;

³ Voting for this action: Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Gardner.

and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting, which is open to the public, will convene at 9:30 a.m. until 4 p.m. on Friday, June 3rd, and reconvene at 9:30 a.m. on Saturday, June 4th, until 12 noon. The main theme of the meeting will be an overview of the implementation of the Emergency School Aid Act in the Northeast. Presentations will be made by the Boston School District; New Haven, Connecticut, School District; and other grantees within the U.S. Office of Education Region I. On Saturday, the majority of the time will be devoted to internal Council business including oral interim reports by various task force chairmen. Associate Commissioner Herman Goldberg will present an update on the ESAA program as viewed from his position.

Requests for oral presentations by the public before the Council must be submitted in writing to the Executive Director of NACEEO, Mr. Leo A. Lorenzo, and should include the names of all persons seeking an appearance, the party or parties which they represent, and the purpose for which the presentation is requested. Following the presentation, the statement in writing shall be submitted to the Executive Director. In the event that the tentative agenda is completed prior to the projected time, the Council will adjourn the meeting.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street, NW., Suite 710, Washington, D.C., 20005, and are available for public inspection.

Signed at Washington, D.C., on May 5, 1977.

LEO A. LORENZO,
Executive Director.

[FR Doc.77-13323 Filed 5-6-77;8:45 am]

Public Health Service

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part HA, Chapter HA, in the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, entitled Office of the Assistant Secretary for Health (38 FR 18571-74, as amended by 39 FR 42704, December 6, 1974 and 40 FR 55889, December 2, 1975) is amended to update the functional statements for the Office of Program Implementation to reflect functional realignments.

Section HA-B, *Organization and Functions*, is amended as follows: (1) Under the heading entitled Office of Program Implementation (HAM), delete the current functional statement and substitute the following:

Office of Program Implementation (HAM). The Director of the Office of

Program Implementation: (1) Monitors implementation activities of interest to the Assistant Secretary for Health in coordination with the Office of Administrative Management and the Office of Policy Development and Planning; (2) directs review and analysis of memoranda and other documents directed to the Assistant Secretary for Health for adequacy of coordination and clearances, clearness and conciseness of presentation, and other elements of completed staff work; (3) provides correspondence control for the OASH, including document assignments and status of pending correspondence; (4) provides a focal point for the public on freedom of information, fair information practice, veterans affairs, and environmental health matters, including the coordination, clearance, and review of actions requiring assessment under the National Environmental Policy Act of 1969 (Pub. L. 91-190); (5) directs the committee management activities for the Public Health Service; (6) directs the Federal regulations process for the PHS, including the coordination and review leading towards the approval of new and revised regulations; (7) clears and controls the preparation of congressional reports; (8) directs the implementation planning system of the Public Health Service; (9) directs the Operational Planning System to assure the achievement of overall Health goals and legislative commitments; (10) provides guidance to the PHS agencies and coordinates the implementation of program policies and the tracking of approved legislative initiatives; and (11) insures that heads of PHS staff offices and agencies are informed of, and given an opportunity to comment on, proposed actions or decisions affecting their offices or responsibilities.

(2) Under the heading entitled Division of Health Research and Protection Operations (HAM-1), delete the current functional statement and substitute the following:

Division of Health Research and Protection Operations (HAM-1). (1) This division, with respect to the areas of health research and protection: (a) Assures adequate analysis of new laws and the development of plans to implement these new laws; (b) provides guidance in implementing new health research and protection programs and initiatives, and monitors the results; (c) provides assistance in the development and implementation of new or revised health research and protection regulations; (d) recommends objectives for tracking by the Office of the Secretary and the Office of the Assistant Secretary for Health on health research and protection programs in accordance with the Operational Planning System; (e) coordinates health research and protection program activities among the PHS agencies; (f) reviews and coordinates the clearance of congressional reports on health research and protection matters. (2) This Division, with respect to the overall PHS: (a) manages and coordinates the PHS regulations process; (b) implements and

monitors the committee management system governing the establishment and maintenance of PHS committees; (c) serves as the PHS focal point on matters pertaining to fair information practices and the Privacy Act of 1974.

(3) Under the heading entitled Division of Health Services and Prevention Operations (HAM-2), delete the current functional statement and insert the following:

Division of Health Services and Prevention Operations (HAM-2). (1) This division, with respect to the areas of health services and prevention: (a) Assures adequate analysis of new laws and the development of plans to implement these laws; (b) provides guidance in implementing new health services and prevention programs and initiatives, and monitors the results; (c) provides assistance in the development and implementation of new or revised health services and prevention regulations; (d) recommends objectives for tracking by the Office of the Secretary and the Office of the Assistant Secretary for Health on health services and prevention programs in accordance with the Operational Planning System; (e) coordinates health services and prevention program activities among the PHS agencies; and (f) reviews and coordinates the clearance of congressional reports on health services and prevention matters.

(2) This division, with respect to the overall PHS: (a) manages and coordinates the PHS Operational Planning System; (b) serves as the PHS focal point on matters pertaining to veterans affairs and freedom of information.

Dated: April 22, 1977.

JOHN D. YOUNG,
Assistant Secretary for
Management and Budget.

[FR Doc.77-13132 Filed 5-6-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration
[Docket No. N-77-752; OILSR No. 0-3075-05-
351, 77-32-IS]

OHIO MEADOWS UNITS 1-3, ET AL.

Notice of Hearing

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. Ohio Meadows Units 1-3, and Gunnison River Units 1-2, and Castle Mountain Company, and Donald B. Weixelman, General Partner and Authorized Agent, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448), (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued March 23, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Rec-

ord and Property Report for Ohio Meadows, Units 1-3 and Gunnison River Units 1-2, located in Gunnison County, Colorado, contain untrue statements of material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 11, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C., on June 2, 1977, at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before May 2, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

JAMES W. MAST,
Chief, Administrative Law Judge.

Dated: April 14, 1977.

[FR Doc.77-13149 Filed 5-6-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6645-A]

ALASKA NATIVE CLAIMS SETTLEMENT

Notice for Publication

The decision to interim convey of February 20, 1976, was appealed to the Alaska Native Claims Appeal Board who remanded the case to the Alaska State Director, Bureau of Land Management, on April 20, 1977, for further consideration of the disputed easement issues. The decision to convey of February 20, 1976, is hereby vacated in its entirety and a new decision is hereby issued.

In order to conform with Secretarial Order 2982, the State of Alaska has recommended easements in addition to those approved by the State Director.

These easements, located in sections 9, 10, 15, 16, 28 and 33, T. 23 S., R. 19 W., Seward Meridian, have not received public comment or normal review and therefore these lands are excluded from this decision. However, once the easement process has been completed, a decision to interim convey these sections will be issued.

On December 22, 1961, the State of Alaska filed general purpose selection application A-056377 (section 6(b) of the Alaska Statehood Act) for certain lands in T. 25 S., R. 22 W., Seward Meridian. This was amended to include additional lands on October 29, 1963. On May 31, 1966, the State filed general purposes application A-067745 for all of Whale Island lying within T. 25 S., Rs. 21 and 22 W., Seward Meridian. Portions of both selections have been tentatively approved. On June 16, 1972, each application was amended to include all lands in these townships, excluding patented lands. However, the lands were withdrawn from further State selection by the Alaska Native Claims Settlement Act (ANCSA) (85 Stat. 688) on December 18, 1971. Section 11 of ANCSA withdrew all of the above-mentioned townships for selection by the village of Afognak.

On October 22, 1974, the Natives of Afognak, Inc. filed village selection application AA-6645-A under the provisions of section 12(a) of the act for lands located in the Kodiak Island area, including all lands within T. 25 S., Rs. 21 and 22 W., Seward Meridian. The application was amended on December 13, 1974 to give a new description of the lands to be selected and to supersede the previously-filed application. Section 12(a) (1) provides that village selections "shall be made from lands withdrawn by subsection 11(a)." Subsection 11(a) (2) of the act withdrew for possible selection by the village corporation those lands "that have been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act."

Village selection application AA-6645-A, as amended, has been properly filed and the lands are available for selection. Those portions of the village selection to be described are unoccupied and do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title. Accordingly, the tentative approval given in the decisions of October 14, 1963 and February 3, 1967, is hereby vacated in part and State selection applications A-056377 and A-067745 are rejected as to the following described lands:

STATE SELECTION A-067745 (UNSURVEYED)

All of Whale Island lying within T. 25 S., Rs. 21 and 22 W., Seward Meridian (except for section 31, T. 25 S., R. 21 W., Seward Meridian).

STATE SELECTION A-056377 (UNSURVEYED)

T. 25 S., R. 22 W., Seward Meridian,
Secs. 18 to 21, inclusive (fractional) excluding the Chugach National Forest Withdrawal;
Secs. 28, 30, 31, and 32 (fractional).

And all of the following lands which have not been tentatively approved and

which were eliminated from the Chugach National Forest by PLO 1053:

U.S. SURVEY 909

T. 25 S., R. 22 W., Seward Meridian (Unsurveyed),
 Sec. 1 (fractional), excluding Native allotments AA-6220, AA-6221, and AA-7000;
 Sec. 12 (fractional), excluding Native allotments AA-6220, AA-6221, AA-7000, AA-7079 Parcel B, AA-8125, AA-8126, AA-8130, and AA-8131;
 Sec. 13 (fractional), excluding Native allotments AA-7070 Parcel B, AA-8131, AA-8132, AA-7471 Parcel B, AA-7071 Parcel A, AA-8127, and AA-8129;
 Sec. 14 (fractional), excluding Native allotment AA-8129;
 Sec. 23 (fractional), excluding Native allotment AA-2530 Parcel A;
 Sec. 24 (fractional), excluding Native allotment AA-2530 Parcels A and B;
 Sec. 29 (fractional).

Aggregating approximately 4,966 acres of which approximately 4,334 acres were tentatively approved.

Further action on the subject State selection applications, as to those lands not rejected herein, will be taken at a later date.

It should be noted that the State has created numerous third-party interests in section 31, T. 25 S., R. 21 W., Seward Meridian. In order to determine valid existing rights, as delineated by the provisions of section 14(g) of ANSCA, section 31 is excluded from this decision. Further action on this section will be taken at a later date.

In view of the foregoing, the surface estate of the following described lands, aggregating approximately 69,291.92 acres, of which approximately 64,800 acres are in the Chugach National Forest, are considered proper for acquisition by the Natives of Afognak, Inc., and are hereby approved for interim conveyance pursuant to section 14(a) of the act:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 23 S., R. 19 W.,
 Secs. 1 and 2 (fractional);
 Secs. 3 to 8, inclusive;
 Secs. 11 to 14, inclusive (fractional);
 Secs. 17 to 22, inclusive;
 Secs. 23 to 26, inclusive (fractional);
 Secs. 27, 29, and 30;
 Sec. 31 (fractional);
 Sec. 32 (fractional), excluding Native allotment AA-7070 Parcel A;
 Secs. 34 and 35;
 Sec. 36 (fractional).
 T. 23 S., R. 20 W.,
 Secs. 1, 2, and 3;
 Sec. 4 (fractional);
 Secs. 5, 6, and 7;
 Secs. 8 and 9 (fractional);
 Secs. 10, 11, and 12;
 Secs. 14 and 15;
 Secs. 16 and 17 (fractional);
 Sec. 18;
 Secs. 19, 20, and 21 (fractional);
 Secs. 22, 25, and 27;
 Secs. 28 to 33, inclusive (fractional);
 Secs. 34 and 36.
 T. 23 S., R. 21 W.,
 Secs. 4 and 5;
 Secs. 8, 9, and 10;
 Secs. 12 to 22, inclusive;
 Secs. 24, 27, and 28;
 Secs. 30, 31, 34, and 35.

T. 23 S., R. 22 W.,
 Secs. 18 to 22, inclusive (fractional);
 Sec. 26;
 Sec. 27, (fractional);
 Secs. 35 and 36.
 T. 23 S., R. 23 W.,
 Secs. 13 and 14 (fractional);
 Sec. 23 (fractional);
 Secs. 26, 35, and 36.
 T. 25 S., R. 21 W.,
 Secs. 3 and 4 (fractional);
 Secs. 6 and 7, excluding Native allotment AA-7000;
 Secs. 16, 18, and 21 (fractional);
 Secs. 29, 30, and 32 (fractional).
 T. 25 S., R. 22 W.,
 Sec. 1 (fractional), excluding Native allotments AA-6220, AA-6221, and AA-7000;
 Secs. 2 to 11, inclusive;
 Sec. 12 (fractional), excluding Native allotments AA-6220, AA-6221, AA-7000, AA-7079 Parcel B, AA-8125, AA-8126, AA-8130 and AA-8131;
 Sec. 13 (fractional), excluding Native allotments AA-7071 Parcel A, AA-7079 Parcel B, AA-7471 Parcel B, AA-8127, AA-8129, AA-8131 and AA-8132;
 Sec. 14, excluding Native allotment AA-8129;
 Secs. 15 and 16;
 Secs. 17 to 22 (fractional);
 Sec. 23 (fractional), excluding Native allotment AA-2530 Parcel A;
 Sec. 24 (fractional), excluding Native allotment AA-2530 Parcels A and B;
 Secs. 25 to 34, inclusive (fractional);
 Secs. 35 and 36.

United States Survey 909, in section 13, T. 25 S., R. 22 W., Seward Meridian, containing .70 acres, was available and properly selected. These lands are unoccupied and do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title. Therefore, U.S. Survey 909 is considered proper for acquisition by the Natives of Afognak, Inc., and is hereby approved for patent pursuant to section 14(a) of ANSCA.

The conveyance, issued for the surface estate of the lands described above, shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975(d).

3. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688; 43 U.S.C. 1601-1624.

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, the following public easements referred by easement identification number (EIN) on the easement maps in case file AA-6645-EE are reserved to the United States and subject to further regulation thereby:

a. (EIN D9 1) An easement for a proposed access trail twenty-five (25) feet in width from the mouth of Malina

Creek on Shelikoff Bay then along the right bank of Malina Creek and the north shoreline of Malina and Upper Malina Lakes to its terminus with the Muskomee Bay and Afognak Lake trail (D9 4). The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

b. (EIN D9 4) An easement for an existing access trail twenty-five (25) feet in width from Muskomee Bay, northeasterly to the junction of trail easements D9 22, S 2, and O 1. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

c. (EIN D9 5) A site easement in section 35, T. 23 S., R. 23 W., Seward Meridian at the head of Afognak Lake and junction of trail easements D9 22, S 2, D9 4 and O 1. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

d. (EIN D9 11) A site easement in section 10, T. 23 S., R. 20 W., Seward Meridian, adjacent to an unnamed lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

e. (EIN D9 22) An easement for a proposed access trail twenty-five (25) feet in width from site easement F 31 southerly through public lands to the junction of trail easements D9 4, S 2, and O 1 at Afognak Lake. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

f. (EIN D9 22a) An easement for a proposed access trail twenty-five (25) feet in width from site easement F 27a southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

g. (EIN F 20) An easement for a proposed access trail twenty-five (25) feet in width from proposed road easement FF 22 east to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

h. (EIN F 21) An easement for a proposed access trail twenty-five (25) feet in width from proposed road easement F 22 south to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

i. (EIN F 22) An easement one hundred (100) feet in width for a proposed road beginning at the head of Kazakof Bay in section 33, T. 22 S., R. 20 W., Seward Meridian, and ending at Afognak Bay in section 29, T. 24 S., R. 21 W., Seward Meridian. The usage of roads and trails will be controlled by applicable State or Federal law or regulation. In the event the proposed road is not constructed, a trail easement twenty-five

(25) feet in width is proposed for public use and access of the above described area.

j. (EIN F 23) A one (1) acre site easement in sections 19 and/or 30, T. 23 S., R. 20 W., Seward Meridian at Kazakof Bay. The site is for camping, staging, and vehicle use.

k. (EIN F 23a) An easement for a proposed access trail twenty-five (25) feet in width beginning at the site easement F 23 and continuing westerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

l. (EIN F 26) An easement for a proposed access trail twenty-five (25) feet in width from proposed road easement F 22 southerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

m. (EIN F 27) An easement one hundred (100) feet in width for a proposed road from the Afognak Bay Road (F 22) to the south side of Malina Bay. The usage of roads and trails will be controlled by applicable State or Federal law or regulation. In the event the proposed road is not constructed, a trail easement twenty-five (25) feet in width is proposed for public use and access of the above described area.

n. (EIN F 27a) A log transfer dock and public use easement in section 20, T. 23 S., R. 22 W., Seward Meridian, on the south side of Malina Bay. The easement is ten (10) acres in size and is used for camping, vehicle use, staging, and as a log transfer dock.

o. (EIN F 28) an easement one hundred (100) feet in width for a proposed road from Malina Bay Road (F 27) southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation. In the event the proposed road is not constructed, a trail easement twenty-five (25) feet in width is proposed for public use and access of the above described area.

p. (EIN F 31) A one (1) acre site easement in section 23, T. 23 S., R. 23 W., Seward Meridian at the head of Malka Bay. The site is for camping, staging, and vehicle use.

q. (EIN F 33) An easement for a proposed access trail twenty-five (25) feet in width from road easement F 22 northwesterly through public lands to site easement D9 21 and continues southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

r. (EIN F 34) An easement for a proposed access trail twenty-five (25) feet in width from proposed road easement F 22 northwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

s. (EIN F 35) An easement for a proposed access trail twenty-five (25) feet in width from Kitoi Bay westerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

t. (EIN F 36) An easement for a proposed access trail twenty-five (25) feet in width from road easement F 38 easterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

u. (EIN F 38) An easement one hundred (100) feet in width for an existing road from Kazakof Bay northeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

v. (EIN F 38a) A log transfer dock and public use easement in section 33, T. 23 S., R. 20 W., Seward Meridian on the east side of Kazakof Bay. The easement is four and one-half (4½) acres in size and is used for camping, vehicle use, staging, and as a log transfer dock.

w. (EIN F 39) An easement one hundred (100) feet in width for a proposed road from road easement F 22 northwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation. In the event the proposed road is not constructed, a trail easement twenty-five (25) feet in width is proposed for public use and access of the above described area.

x. (EIN O 1) An easement for a proposed access trail twenty-five (25) feet in width from the Navy recreational camp on the north side of Afognak Lake to the junction of trail easement D9 22, S 2, and D9 4. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

y. (EIN O 4) An easement for a proposed access trail twenty-five (25) feet in width from site easement D9 11 easterly to Kazakof Bay Road (F 38). The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

z. (EIN O 6) A one (1) acre site easement in section 27, T. 23 S., R. 22 W., Seward Meridian at the head of Malina Bay. The site is for camping, staging, and vehicle use.

aa. (EIN O 11) An easement for an existing access trail twenty-five (25) feet in width from Fox Bay to Marmot Bay. The usage of roads and trails will be controlled applicable State or Federal law or regulation.

ab. (EIN P 1) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, i.e., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States

an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

ac. (EIN P 11) The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes is reserved together with the right to do all things necessary in connection therewith.

ad. (EIN S 2) An easement for a proposed access trail twenty-five (25) feet in width from the junction of trail easements D9 4, D9 22, and O 1 southerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ae. (EIN S 3) An easement for a proposed access trail twenty-five (25) feet in width near the northwest shore of Afognak Lake from trail easement O 1 to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

The grant of the above described land is subject to:

1. Issuance of a patent confirming the boundary description of the lands granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339, 341)), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him;

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 703; 43 U.S.C. 1613(c), that the grantee hereunder convey those portions of the land hereinafter granted, as are prescribed in said section;

4. Requirements of section 22(k) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 703; 43 U.S.C. 1621(k), that (a) the above-described lands are located within the boundaries of a national forest and that until December 18, 1976, the sale of any timber from such lands be subject to the same restrictions relating to the export of timber from the United States as are applicable to national forest lands in Alaska under rules and regulations of the Secretary of Agriculture; and that (b) until December 18, 1983, such lands shall be managed under the principle of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands; and

5. The terms and conditions of the agreement of November 12, 1976 between Koniag, Inc., Koniag villages, and the Secretary of the Interior. A copy of this agreement is hereby attached to and made a part of this conveyance document.

Interim conveyance to the subsurface estate of the land described above will be granted to Koniag, Inc. pursuant to section 14(f) of the act, when conveyance is granted to Natives of Afognak.

Inc. for the surface estate. Interim conveyance of the remaining entitlement will be made at a later date.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Anchorage Daily Times. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 and with a copy served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving actual notice of this decision shall have 30 days from the receipt of actual notice to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have until June 8, 1977, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived their rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

SUE A. WOLF,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.77-13146 Filed 5-6-77;8:45 am]

Mining Enforcement and Safety Administration

PORTER TUNNEL MINE, TOWER CITY, PENNSYLVANIA

Public Hearing

Notice is hereby given that the Mining Enforcement and Safety Administration pursuant to authority under Section 103 (d) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. Section 813(d) will conduct a public hearing beginning on June 7, 1977, and continuing on June 8th and 9th as necessary, at Tower City, Pennsylvania. The hearing will begin at 9:00 a.m. (EDT) and will be held in the American Legion Hall, Post No. 468, South 10th Street, Tower City, Pennsylvania. The hearing panel will be cochaired by the Deputy Assistant Administrator, Coal Mine Health and Safety, Mining Enforcement and Safety Administration and the Commissioner, Office of Deep Mine Safety, Pennsylvania Department of Environmental Resources. The hearing will be held for the purpose of inquiring into the facts and circumstances

surrounding the accident which occurred at Porter Tunnel Mine near Tower City, Schuylkill County, Pennsylvania on March 1, 1977, and which resulted in the death of nine miners. The mine is operated by the Kocher Coal Co.

Persons who will be required to testify at the hearing will be notified in writing prior to the hearing. Anyone having information directly relating to this accident or desiring to testify at the hearing should contact the Wilkes-Barre District Office of the Mining Enforcement and Safety Administration, Room 3128 Penn Place, 20 North Pennsylvania Ave., Wilkes-Barre, Pa. 18701. The telephone number is (717) 826-6321. Members of the public are invited to attend the hearing.

Anyone having questions regarding the hearing should write to: Administrator, Mining Enforcement and Safety Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: May 3, 1977.

THOMAS J. SHEPICH,
Acting Administrator, Mining
Enforcement and Safety Administration.

[FR Doc.77-13119 Filed 5-6-77;8:45 am]

Fish and Wildlife Service EASTERN TIMBER WOLF Emergency Exemption; Issuance

On April 27, 1977, a letter waiving the 30 day public comment period was issued to the Regional Director, Region 3 authorizing emergency actions to enhance the survival of the eastern timber wolf (*Canis lupus lycaon*). This waiver was granted to allow the live trapping, holding and relocation of wolves that are in conflict with human interests in the States of Minnesota, Wisconsin, and Michigan.

It was determined by the U.S. Fish and Wildlife Service that an emergency does in fact exist and that the health and well-being of the species are threatened and that no reasonable alternative to the proposed action is available to the applicant.

A copy of the letter of waiver is herewith presented. This emergency waiver is provided in accordance with the Endangered Species Act of 1973, as amended by Pub. L. 94-359 (90 Stat. 911).

Dated: May 3, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office, Fish
and Wildlife Service.

Mr. JACK E. HEMPHILL,
Regional Director, U.S. Fish and Wildlife
Service, Federal Building, Fort Snelling,
Twin Cities, Minn.

APRIL 27, 1977.

DEAR MR. HEMPHILL: This letter will serve to waive the 30-day public comment period in regard to an application submitted by the Regional Director, U.S. Fish and Wildlife

Service, Twin Cities, for an emergency exemption from the provisions of the Endangered Species Act of 1973. This waiver and the issuance of the permit authorize the activities outlined below prior to the required 30-day public comment period on the permit application.

It has been determined by the Service that individuals of the Eastern timber wolf population (*Canis lupus lycaon*) must be removed from selected locations in Minnesota, Michigan, and Wisconsin when they are in conflict with human interests. Such wolves will be live-trapped and relocated in carefully selected areas or will be held for further scientific studies. This removal is necessary in those locations selected because there is a threat to the lives of those wolves and no reasonable alternative is available.

The Regional Director is hereby authorized, in accordance with permit PRT 2-776, to live-trap and relocate wolves within the States of Minnesota, Wisconsin, and Michigan. Holding may occur within those States or at other authorized locations. Any wolves taken as a result of this authorization and held in captivity remain the property of the U.S. Fish and Wildlife Service.

This exemption is granted, conditional to the provisions of the Endangered species permit PRT 2-776, issued April 27, 1977. Copies of this permit have been sent to the wildlife agencies in the three affected States.

Sincerely yours,

LYNN A. GREENWALT,
Director.

[FR Doc.77-13114 Filed 5-6-77;8:45 am]

ENDANGERED SPECIES PERMIT Receipt of Request for Amendment

On December 10, 1976, a permit issued to the Regional Directors, Regions 2 and 4 (Albuquerque, New Mexico), authorizing to live trap, harass, transport, propagate, hold and release Red Wolves (*Canis Rufus*).

A notice containing the application for the permit was published in the FEDERAL REGISTER on November 9, 1976, (41 FR 49541-42), soliciting public comments for a period of 30 days.

Under date of March 10, 1977, the Regional Directors, Regions 2 and 4, submitted a request for changes in the conditions of this permit. Published herewith is a copy of the terms of the request for these changes which will be considered as an amendment to this permit. This request is being considered pursuant to § 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

U.S. FISH AND WILDLIFE SERVICE,
REGION 2,
Albuquerque, N. Mex., March 10, 1977.

To: Director, FWS, Washington, D.C. (WFO).
From: Assistant Regional Director, FWS, Region 2 (SE).
Subject: Permit Amendment Request—Red Wolf (PRT 2-389-07).

We are requesting the subject permit be amended to authorize the killing of transplanted red wolves, when deemed absolutely necessary by the Regional Directors of Regions 2 and/or 4. In this case, the destruction of transplanted wolves by the Service or authorized cooperators would only be attempted at such time when all other methods of

recapture have been exhausted and only after the subject animals have moved outside the parameters of the selected transplant site. This was stated in the project plan, of which Endangered Species Washington was furnished copies, and which our cooperators endorsed.

Removal, through killing, will be a last resort and will be done to enhance survival of the species as specified in section 10(a). Although we do not contemplate having to take this drastic action, it is necessary that we have this option available in order to assure cooperators and the general public that we do not intend to turn wolves loose in a currently wolf-free environment and let them do or go as they please. In order that we can gain or maintain the cooperation of the states, interest groups, general public, etc. we must be able to reasonably assure "them" that our transplant proposals and plans are adequate to cover unforeseen circumstances and that we will take all reasonable precautions to safeguard and maintain other resources. Wolves running loose in an area which has not harbored wolves for a hundred years or more does create concern, real or imagined, but sufficient to determine whether the wolf is transplanted or not. The Regions (2 and 4) believe we must be granted this authority to obtain the full cooperation of all parties concerned and help in attempts to save the species.

If transplant sites cannot be found then the red wolf will be extinct in the wild. We are, therefore, requesting authorization to kill individuals, as absolutely necessary as determined by the respective Regional Directors, and as stated in the project operating plan, in order to help assure survival of the species.

R. L. STEPHEN.

In keeping with the spirit of the Endangered Species Act of 1973 this notice is being published to allow public comment on the request for an amendment. Interested persons may comment on this amendment by submitting written data, views, or arguments, preferably in triplicate to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-389-07. Please refer to this number when submitting comments. All relevant comments received on or before June 8, 1977, will be considered.

Dated: May 3, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.


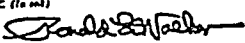
[FR Doc.77-13123 Filed 5-6-77; 8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Hawaii Division of Fish and Game, 1151 Punchbowl Street, Honolulu, Hawaii 96813, Donald L. Walker, Chief, Wildlife Branch.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		OMB NO. 42-R100													
		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT													
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Hawaii Division of Fish & Game Ronald L. Walker 1151 Punchbowl Street Honolulu, HI 96813 Phone: 548-5917		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Propagation and field research of Hawaiian crow including capture of young birds to stock a propagation project and capture for banding and marking and instrumentation with transmitters for population and management studies.													
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td><input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table>		<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION			5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION State of Hawaii Department of Land & Natural Resources Division of Fish & Game State wildlife resources management and protection agency.	
<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT													
DATE OF BIRTH	COLOR HAIR	COLOR EYES													
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER														
OCCUPATION															
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT		NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Ronald L. Walker, Chief, Wildlife Branch Phone: 548-5917 IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED													
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Island of Hawaii Hawaii		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit number) PRT 8-103-B-C													
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$ NA		10. DESIRED EFFECTIVE DATE April 1, 1977													
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (50 CFR 17.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. See attachments for information provided under 50 CFR, 17.22		11. DURATION NEEDED Indefinite													
CERTIFICATION															
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17 OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.															
SIGNATURE (In ink) 		DATE 3/29/77													

The following specific information is provided, pursuant to 50 CFR 17.22(a):

1. Authority is sought by the applicant to capture, band and mark, attach telemetry devices, keep in captivity, propagate and release Hawaiian Crows or Alala (*Corvus tropicus*) for officially authorized State of Hawaii endangered species research and restoration projects. Copies of project documents are attached hereto as Contract No. 14-16-0001-6524, Project Agreement—Statewide Non-Game and Endangered Species Program, Job No. R-II-B and Contract No. 14-16-0001-77007(SE), Memorandum of Understanding for an Endangered Species Restoration Project for the Alala (Hawaiian Crow). See Exhibit "A" of Memorandum of Understanding.

2. At the present time there are three Alala in captivity at the applicant's facility at Pohakuloa. Project plans, as per Memorandum of Understanding call for obtaining from the wild not more than ten birds (five pairs). Efforts will be restricted to acquiring young which are crippled, abandoned, or incapacitated.

3. See Exhibit "A" of Memorandum of Understanding. There is no source of Alala other than wild birds on Hawaii. Project plan calls for removal of birds from the wild for captive propagation and the eventual release into wild habitats of birds reared in captivity.

4. See Exhibit A of Memorandum of Understanding and No. 3 above.

5. The captive propagation aspects of the Alala research and restoration program is located at Pohakuloa on the Island of Hawaii. The applicant has established at Pohakuloa an endangered species propagation facility which currently produces Hawaiian geese (Nene) and Hawaiian ducks (Koloa) for release in the wild to reinforce wild populations.

6. The pens which are provided for the Alala are 25x50 feet by 12 feet high constructed of 1/2 hardware cloth. They are protected by being surrounded by Nene pens. The entire facility is enclosed in a fence and is cared for on a full-time basis by Mr. Ah

Fat Lee, propagationist and Mr. Maeda his assistant. Mr. Ernest Kosaka, Wildlife Biologist has general supervision over the project.

The applicant is willing to maintain or contribute data to a studybook. As the distance from the areas on the Island of Hawaii were wild birds may be obtained and the Pohakuloa Project is close and the time in transit will be short it will not be necessary to provide elaborate containers or feed and water for the birds in transit.

There have been no mortalities to Alala at the Pohakuloa Project.

7. See enclosed contracts.

8. The detailed purposes for which the permit is requested are embodied in the two attached contracts (Project Agreement and the Memorandum of Understanding).

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WFO), U.S. Fish and Wildlife Service, Washing-

ton, D.C. 20240. This application has been assigned File Number PRT 2-727-07. Please refer to this number when submitting comments. All relevant comments received on or before June 8, 1977, will be considered.

Dated: May 3, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office, U.S.
Fish and Wildlife Service.

[FR Doc. 77-13124 Filed 5-6-77; 8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205)...

Applicant: Delmarva Fox Squirrel Recovery Team, Bernard F. Halla, Leader, Maryland Wildlife Administration, Tawes State Office Building, Annapolis, Maryland 21401.

ATTACHMENT TO PERMIT APPLICATION FOR DELMARVA FOX SQUIRREL RECOVERY TEAM

50 CFR 17.22

17.22(a). (1). Common name: Delmarva fox squirrel; scientific name: *Sciurus niger cinereus*.

The recovery plan anticipates up to three transplants of up to 20 squirrels each, per year, and transplanting of threatened populations as situations arise. The emergency transplants are dictated by changing conditions and are anticipated to be of levels from zero to ten transplants per year. Planned transplants hope to achieve a sex ratio of 50:50 of mature squirrels. Emergency transplants will involve any and all animals rescued from the site and include any age and sex. The goal of these scheduled and emergency movements are to establish new populations and to salvage animals whose habitat is being destroyed. All movements will be confined to within the historic range of the Delmarva fox squirrel, as defined in the recovery plan.

(2) Activities covered by this permit will be confined to populations in the wild.

(3) All activities covered by this permit will involve live trapping techniques. This method is well documented in the scientific literature, and has been used successfully on both the Delmarva and other fox squirrel subspecies.

(4) Not applicable.

(5) Delmarva fox squirrels involved in this study will not be maintained in captivity, but released into the wild after handling.

(6) Not applicable.

(7) All activities under this permit will be carried out by members and/or consultants of the Delmarva fox squirrel recovery team or state personnel and their agents as covered by Endangered Species cooperative agreements with the states of Maryland, Delaware, Virginia and New Jersey.

(8) It has been documented that the range of the Delmarva fox squirrel has been greatly reduced since 1900 so that it is now confined to portions of four counties in Maryland, and Assateague Island in Virginia. Continued habitat alteration or destruction threatens extirpation of residual populations.

(i) Collection of life history data through live trapping techniques, the handling and marking of squirrels, and transplant activities are necessary to insure the recovery of the Delmarva fox squirrel.

(ii) The use of live traps; examination of nest boxes; marking techniques to include tattoo, ear tags, collars, or other acceptable marking procedures; and transporting to pre-selected release sites will be covered under this permit.

(iii) All these activities support the goal of the recovery plan, which is restoration of the Delmarva fox squirrel population to a level where it can be removed from the endangered species list.

(iv) No individuals will be maintained in captivity for the purposes of the activities outlined under this permit.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WFO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		OMB NO. 42-10170	
1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT			
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED Carry out research and management procedures as detailed in the Delmarva fox squirrel recovery plan. These activities may include live trapping, marking, recovery of threatened populations, transplanting, and other activities as specified in the recovery plan.			
3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Delmarva Fox Squirrel Recovery Team Bernard F. Halla, Leader Maryland Wildlife Administration Tawes State Office Building Annapolis, Maryland 21401 Telephone: (301) 269-3195			
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS. DATE OF BIRTH: _____ COLOR HAIR: _____ COLOR EYES: _____ PHONE NUMBER WHERE EMPLOYED: _____ SOCIAL SECURITY NUMBER: _____ OCCUPATION: _____ ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT U.S. Fish & Wild. Ser.; Md. Wildlife Adm.; Univ. of Md.; Va. Comm. of Game & Inland Fish; Del. Div. of Fish & Wildlife; Pa. Game Comm.; N. J. Div. of Fish, Game & Shell Fisheries		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Delmarva fox squirrel recovery team as appointed and approved by the Director, U.S. Fish & Wildlife Ser., to formulate & carry out a plan that will perpetuate the subspecies & with a goal to increase this subspecies numbers so that it may be removed from the Endangered Species List. NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (see box 3) IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED Not applicable	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Selected sites within the historic range of the Delmarva fox squirrel as designated by the recovery team in the states of Maryland, Virginia, Delaware, Pennsylvania, and New Jersey.		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit numbers) PRT-8-412-C; PRT 2-933BA	
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF Not applicable		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdictions and type of documents) Coop. Agreements for Endangered Species Programs with Md., Del., Va., N.J.	
9. DESIRED EFFECTIVE DATE 1 May 1977		11. DURATION NEEDED 10 years	
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 17.17) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 50 CFR 17.22			
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001. SIGNATURE (in ink) <u>Bernard F. Halla</u> DATE <u>3-30-77</u>			

been assigned File Number PRT 2-728-07. Please refer to this number when submitting comments. All relevant comments received on or before June 8, 1977, will be considered.

Dated: May 2, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office, Fish
and Wildlife Service.


[FR Doc. 77-13125 Filed 5-6-77; 8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Dr. Wayne C. Hanson, Environmental Studies Group H-8, Los Alamos Scientific Laboratory, M.S. 490, Los Alamos, N. Mex. 87545.

 <p>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<p>1. APPLICATION FOR (Endangered Species Act) (1973)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>	
<p>2. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)</p> <p>Dr. Wayne C. Hanson Environmental Studies Group H-8 Los Alamos Scientific Laboratory M.S. 490 Los Alamos, NM 87545</p>		<p>3. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.</p> <p>Scientific studies of peregrine falcons nesting in the vicinity of Los Alamos will be continued to (a) protect the birds and their habitat to the extent possible; (b) cooperate with State and Federal agencies in introducing fledgling birds into declining eyries; and (c) determine population trends of the falcons</p>	
<p>4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <p><input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MLE</p> <p>DATE OF BIRTH: September 5, 1923</p> <p>PHONE NUMBER WHERE EMPLOYED: (505) 667-5021</p> <p>OCCUPATION: Research scientist (radiation ecologist)</p>		<p>5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:</p> <p>EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION</p>	
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:</p> <p>Los Alamos, Santa Fe, and Sandoval Counties, northcentral New Mexico</p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>(If yes, list license or permit number) Bird Banding Permit No. 20184</p>	
<p>8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$</p>		<p>9. DESIRED EFFECTIVE DATE: 4-13-77</p>	
<p>10. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE 50 C.F.R. 17.11) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 30 C.F.R. UNDER WHICH ATTACHMENTS ARE PROVIDED.</p>		<p>11. DURATION NEEDED: Two years, subject to renewal</p>	
<p>CERTIFICATION</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p>			
<p>SIGNATURE (of applicant): <i>W. C. Hanson</i></p>		<p>DATE: 4-13-77</p>	

Attachments. (1) Common name of species: American peregrine falcon. Scientific name of species: *Falco peregrinus anatum*. Number, age and sex of animals involved: ≥ 2 adults + 6 young, both sexes. Activity sought to be authorized: Continuation of scientific studies previously authorized under Permit No. PRT-8-87-C, including (a) observations of nesting behavior; (b) measurements of hatched or broken eggshell fragments after adults and young have deserted the eyrie; and (c) cooperation with State and Federal agencies in introducing fledgling birds into declining eyries.

(2) The wildlife is still in the wild, and will remain so.

(3) Observations are made at a distance with telescopes and binoculars, eggshell fragments are removed during winter months of October-March when the birds are absent from the area, and fledgling introductions will be made in cooperation with State and Federal peregrine falcon recovery teams.

(4) No birds will be removed from the wild and all fledglings introduced into the eyries will be handled by State and Federal agencies under their respective permits.

(5) All birds will be left in the wild; none will be used, displayed or maintained.

(6) As previously stated, no birds will be housed, maintained in captive condition, transported or otherwise treated in a manner expected to incur mortalities.

(7) No contracts or agreements are applicable to these activities.

(8) Justification: Continuous records of peregrine falcon eyries in the vicinity of Los Alamos during the past 13 years, including the location and reproductive performance of an apparently single pair of birds. Reproductive success was constant during the period 1964-1970, during which period a total of 30 young were fledged. A decline in reproduction began in 1971 and continued through 1973; no young birds have been raised in 1974-1976. Examination of eggshell fragments from all of the 1964-1973 eyries was conducted under Permit No. PRT-8-87-C and showed no significant trend in eggshell fragment thickness with time, indicating that the decreased hatching rate of peregrine falcon eggs observed in this eyrie without further decreased eggshell thickness or proliferation of broken eggs is due to some unknown, but very important factor.

We propose to further study this eyrie by observing the nesting of the falcons, evaluating their success by minimal numbers of visits to the eyrie to determine (a) clutch size; (b) number of young; (c) food remains; (d) thickness of eggshell fragments remaining after the young have fledged; and (e) retrieval of unhatched eggs for pesticide analyses, to be conducted by Dr. James Anderson of Colorado State College.

We are participating with New Mexico and Federal personnel during 1977 in plans to introduce peregrine falcon fledglings into this eyrie in order to hold the pair to this location. This eyrie is now rated as the prime candidate for "stuffing", of a total of three eyries in the State of New Mexico. The peregrine falcon recovery team from Colorado State University will perform these operations, based upon our furnishing them the necessary data about timing, location and reproductive activities. We believe that such studies and activities offers the major hope of maintaining the species until it can begin recovery to its former normal reproductive rate. In the meantime we will survey other prospective habitats in the area for signs of peregrine falcons or other raptorial birds and determine the nesting populations of same.

All activities sought to be authorized by this permit are conservative in nature and will yield scientific information only. No captive birds will be maintained.

(9) Other relevant information: (a) I have conducted scientific studies involving wildlife for 28 years, including a 21-year study of a Canada goose population and other studies from New Mexico to northern Alaska. During that time, I have held scientific banding and collector's permits in several states as well as Federal permits; I have never been faulted for my performance.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-719-07; please refer to this number when

submitting comments. All relevant comments received on or before June 8, 1977, will be considered.

Dated: May 2, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office,
United States Fish and Wildlife
Service.

[FR Doc.77-13126 Filed 5-6-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Richard A. Arnold, Department of Entomology, 201 Wellman Hall, University of California, Berkeley, Calif. 94720.

SUMMARY

I hope that this information gives you an idea of the particular problems which must be dealt with when considering habitat designation for these or other endangered butterflies. Basically, we simply do not know enough about these butterflies in terms of their biology and behavior, although they are fairly well represented in museum and private collections. Without adequate basic research in these areas, it is impossible to make intelligent decisions on habitat management and critical habitat designations. It is quite possible that the Mission Blue and San Bruno Elfin may be able to survive in a semi-wild park situation such that the land could be used by man and butterflies alike. But until we know the extent and kinds of habitat modification which the butterflies can tolerate, it is quite likely that there will be disastrous consequences. The three extinct butterflies which formerly resided in the San Francisco area are ample evidence to indicate what might be the result of such decisions based upon inadequate data.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-682-07; please refer to this number when submitting comments. All relevant comments received on or before June 8, 1977, will be considered.

Dated: May 2, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office, United
States Fish and Wildlife
Service.


[FR Doc.77-13127 Filed 5-6-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Larry J. Orsak, Department of Entomology, 210 Wellman Hall, University of California, Berkeley, Calif. 94720.

 <p>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<p>1. APPLICATION (Indicate only one)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>										
<p>2. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)</p> <p>Richard A. Arnold 201 Wellman Hall Dept. of Entomology University of California Berkeley, Ca. 94720 415-642-5913</p>		<p>3. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Scientific research; autecological investigations on the endangered butterfly:</p> <p><u>Callionymus mossi bayensis</u> <u>Plebejus icarioides missionensis</u> <u>Anodonta morio lansel</u> <u>Lycnoides arcyrodon lotis</u> <u>Shijimiacoides enotes smithi</u> <u>Shijimiacoides battoides allyni</u></p>										
<p>4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING</p> <table border="1"> <tr> <td><input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MEX.</td> <td>HEIGHT 5'8"</td> <td>WEIGHT 145 lbs.</td> </tr> <tr> <td>DATE OF BIRTH 23 Jan. 1950</td> <td>COLOR HAIR brown</td> <td>COLOR EYES blue</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED 415-642-5913</td> <td colspan="2">SOCIAL SECURITY NUMBER 324-40-3621</td> </tr> </table> <p>OCCUPATION graduate student and research assist</p> <p>ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT Dept. of Entomology University of California Berkeley, Ca. 94720</p>		<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MEX.	HEIGHT 5'8"	WEIGHT 145 lbs.	DATE OF BIRTH 23 Jan. 1950	COLOR HAIR brown	COLOR EYES blue	PHONE NUMBER WHERE EMPLOYED 415-642-5913	SOCIAL SECURITY NUMBER 324-40-3621		<p>5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING</p> <p>EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION</p> <p>NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.</p> <p>IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED</p>	
<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MEX.	HEIGHT 5'8"	WEIGHT 145 lbs.										
DATE OF BIRTH 23 Jan. 1950	COLOR HAIR brown	COLOR EYES blue										
PHONE NUMBER WHERE EMPLOYED 415-642-5913	SOCIAL SECURITY NUMBER 324-40-3621											
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p>San Bruno Mt., San Mateo Co., Ca. Antioch, Ca. Mendocino Co., Ca. Monterey area, Ca. Los Angeles area, Ca.</p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit number)</p> <p>8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list jurisdiction and type of document)</p> <p>not required</p>										
<p>9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF</p> <p>does not apply</p>		<p>10. DESIRED EFFECTIVE DATE 25 Feb. 1977</p> <p>11. DURATION NEEDED 1 year</p>										
<p>12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE 50 CFR 17.22) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.</p> <p>17.22, sub. enclosed proposal</p>												
<p>CERTIFICATION</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER 5 OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p> <p>SIGNATURE (in ink) Richard A. Arnold</p> <p>DATE 23 Jan. 1977</p>												

3-200
86,741

CFQ 873-64

Documents and other information submitted in connection with this applica-

[PR Doc.77-13128 Filed 5-6-77;8:45 am]

At this meeting (one of the regularly scheduled triannual meetings of the Advisory Board), the Board will receive its

subcommittees' reports and recommendations as to future thrusts of the Institute.

SHERMAN R. DAY,
Director.

[FR Doc.77-13160 Filed 5-6-77;8:45 am]

Drug Enforcement Administration

[Docket No. 76-19]

DONALD HESS ANDERSON, M.D.

Denial of Applications for Registration

On May 13, 1974 and on May 24, 1975, Donald Hess Anderson, M.D. (hereafter referred to as Respondent) executed applications for registration with the Drug Enforcement Administration (DEA) under the Controlled Substances Act of 1970 as a practitioner authorized to dispense controlled substances listed in Schedules II, III, IV and V. On April 30, 1976, the Administrator of DEA issued to Respondent an Order to Show Cause as to why the two pending applications should not be denied for the reason that on March 15, 1976, in the United States District Court for the Western District of Michigan, Respondent was convicted, on his plea of nolo contendere, of one count of violating 21 U.S.C. 841(a) (1).

On May 12, 1976, Respondent, through counsel, requested a hearing. Pursuant to notice, a hearing in this matter was held in Detroit, Michigan on September 9, 1976, before Administrative Law Judge Francis L. Young.

During the hearing, Government's counsel, with the consent of Respondent's counsel, orally amended the Order to Show Cause to include as an additional ground for denial of Respondent's applications the fact that Respondent was not, as of the date of the hearing, authorized under the laws of the State of Michigan to dispense controlled substances.

At the close of the hearing, Respondent's counsel indicated that Respondent would promptly make application to the State of Michigan Department of Licensing and Regulation, State Board of Pharmacy, for authority to dispense controlled substances pursuant to State law. Respondent applied to the State on September 27, 1976. The State Board of Pharmacy issued its final order, denying that application, on February 7, 1977.

On March 9, 1977, Judge Young certified to the Administrator, pursuant to 21 CFR 1316.65, the record of the proceedings in this matter together with his recommended findings of fact and conclusions of law, and his recommended decision. The Administrator, pursuant to 21 CFR 1316.66, hereby publishes his final order in this proceeding based upon the findings of fact and conclusions of law set forth hereafter.

The Administrative Law Judge found that "DEA registration of a medical doctor as a practitioner under the Federal Controlled Substances Act of 1970 is contingent upon the doctor's being duly registered and authorized to dispense under the law of the State in which he practices. 21 U.S.C. § 823(f); *In Re Eddie Mack Gipson, M.D.*, DEA Docket No. 75-

27, 41 FR 46490 (1976). Thus it appears that there is no room for the exercise of discretion by the Administrator in this case in its present posture. Respondent's applications must be denied."

As parenthetically noted by Judge Young in the text of his recommended decision, throughout most of this hearing the issues relative to the denial of Respondent's applications had been argued with reference to the grounds for denial set forth in the original Order to Show Cause, namely Respondent's conviction of one count of dispensing secobarbital, a controlled substance listed in Schedule II, in violation of 21 U.S.C. 841(a) (1). Despite this evidence heard and received at the hearing, Judge Young considered the lack of Respondent's State registration to be dispositive of the entire matter. The Administrator adopts the Administrative Law Judge's findings of fact with respect to Respondent's lack of appropriate State registration, as well as his conclusion that this finding requires that Respondent's applications for DEA registration must be denied.

However, the record of this hearing, which includes as an exhibit the transcript of proceedings held on January 16, 1975 before the State of Michigan Department of Licensing and Regulation, Michigan Medical Practice Board, contains in sufficient detail substantial factual evidence relating to the circumstances of the investigation which resulted in Respondent's indictment in the Western District of Michigan, and in his ultimate conviction of one count in violation of 21 U.S.C. 841(a) (1). The Administrator finds, therefore, that Respondent was in fact convicted of a felony relating to controlled substances, that is, in violation of 21 U.S.C. 841(a) (1), and that his application for registration is subject to denial pursuant to 21 U.S.C. 824(a) (2). See "In the Matter of Sheldon Wagner, D.P.M.," Dk. 75-7, 41 FR 9403, March 4, 1976 and "In the Matter of Norman Bridge Drug Co.," Dk. 74-22, 41 FR 3108, January 21, 1976. The Administrator further finds and concludes that based upon the entire record of this proceeding, the conviction of Respondent resulted from Respondent's dispensing of Schedule II controlled substances without any legitimate medical need or purpose, and that such conviction is equally as dispositive of this matter as is Respondent's lack of an appropriate State registration. See "In the Matter of Reed Albert Shankwiler, D.O.," Dk. 76-4, 42 FR 8726 (February 11, 1977).

Thus on the basis of the entire record, and pursuant to the authority vested in the Attorney General and redelgated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that Respondent's applications for registration, executed on May 13, 1974 and on May 24, 1975, be denied.

Dated: May 3, 1977.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.

[FR Doc.77-13140 Filed 5-4-77;8:45 am]

[Docket No. 76-30]

ROBERT O'NEAL MOODY, FLORENCE,
ALABAMA

Hearing

Notice is hereby given that on September 15, 1976, the Drug Enforcement Administration, Department of Justice, issued to Robert O'Neal Moody, Florence, Alabama, an Order to Show Cause as to why the Drug Enforcement Administration should not deny the application for registration under the Controlled Substances Act of 1970 executed by the Respondent on December 4, 1975, pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on Tuesday, May 24, 1977, in the U.S. Tax Court Courtroom, Room 1006, Federal Building, 167 North Main Street, Memphis, Tennessee.

Dated: May 2, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-13141 Filed 5-6-77;8:45 am]

Office of the Attorney General

[Order No. 717-77]

PRIVACY ACT OF 1974

Systems of Records

Under the Privacy Act of 1974 (5 U.S.C. 552a), the Department of Justice proposes to modify a system of records maintained by the Civil Division.

The system entitled "JUSTICE/CIV-001, Civil Division Case File System", previously reported in the FEDERAL REGISTER on March 4, 1977 (42 FR 12756), will be divided into three separate systems to describe more accurately the categories of records, the routine uses and the methods of access in the systems.

JUSTICE/CIV-001, Civil Division Case File System", will continue to be the primary case file system for legal cases in all sections of the Civil Division.

"JUSTICE/CIV-002, Civil Division Case File System—Customs Section", will be an information storage system maintained to assist in the litigation of customs cases and matters.

"JUSTICE/CIV-003, Office of Alien Property File System", will be an information storage system maintained to assist in the litigation and processing of cases and materials under the jurisdiction of the Office of Alien Property.

Interested persons are invited to submit written comments on the routine uses of these systems, and on the storage methods for JUSTICE/CIV-002. Comments should be mailed to the Administrative Counsel, Office of Management and Finance, Department of Justice, Room 1117, Washington, D.C. 20530. All

comments must be received on or before June 9, 1977. No oral hearings are contemplated. Comments received will be available for inspection in Room 1266, Main Department of Justice Building, 10th and Constitution Avenue, NW. The systems will become effective as proposed without further notice, unless comments are received which result in a contrary determination.

Reports of these new systems were submitted to the President of the Senate, the Speaker of the House, the Privacy Protection Study Commission and the Office of Management and Budget on May 2, 1977.

JUSTICE/CIV-001

System name:

Civil Division Case File System.

System location:

U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system:

Any and all parties involved in the cases handled by the Civil Division will have identifying data contained in this system.

Categories of records in the system:

1. The main record of the system is the case file which is retained on each case under the jurisdiction of the Civil Division except for those cases for which files are maintained in the Civil Division Case File System: Customs Section and the Office of Alien Property File System, and constitutes the official record of the Department of Justice. All record material relating to a case is retained in the file. Each case is assigned a number comprised of the category designation for the subject matter; the code number for the judicial district where the action originated, and the number of cases of that category which have arisen in that district.

2. Alphabetical and numerical indices are utilized as a means of access to the proper file by the cross-referencing of the names of all parties to a suit with the file number. Forms CV-54 and carbon-interleaf index cards are used in these indices.

3. A Docket Card Index is maintained on each case in order to follow the progress of all Division cases and to obtain statistical data for monthly and fiscal reports. However, all information contained on the cards has been taken from the record material contained in the official file.

Authority for maintenance of the system:

General authority to maintain the system is contained in 5 U.S.C. 301 and 44 U.S.C. 3101. The particular system was established in accordance with 28 CFR 0.77(f) and was delegated to the Civil Division pursuant to the memorandum from the Deputy Attorney General, dated July 17, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses.

Any record pertaining to any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice, including the F.B.I. and the United States Attorneys' Offices, for use in connection with the consideration of that case or matter or any other case or matter under consideration by the Civil Division or any other component of the Department of Justice. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or

after extradition proceedings, may be disseminated to a federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions of 28 CFR 17.60.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

1) The case files utilize standard file jackets and are retained in electronic, rotary power files; 2) The alphabetical and numerical index cards, as well as the docket cards, are retained in standard file cabinets.

Retrievability:

The files and docket cards must be retrieved by file number. The file number can be ascertained from the alphabetical index if the name of any party to the suit is known.

Safeguards:

Information contained in the system is unclassified. However, only attorneys who have their names recorded in the File Unit can be issued a case file. Minimal information about a case is provided from the various indices to telephone callers, since there is a problem with identifying the identity of a caller. If a party desires detailed information, he is referred directly to the attorney of record.

Retention and disposal:

When a case file is closed by the legal section, it is sent to the Federal Records Center for retention in accordance with the authorized Record Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives. After the designated period has passed, the file is destroyed. However, the index and docket cards are not purged.

System manager(s) and address:

Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure:

Address inquiries to: Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Record access procedures:

A request for information concerning the cases of the Civil Division should be submitted in writing, with the envelope and letter clearly marked "Privacy Access Request". The request should include the file number and/or the names of any litigants known to the requestor. The requestor should also provide a return address for transmitting the information. Such access requests should be submitted to the System Manager listed above. Requests may also be made by telephone. In such cases the caller will be referred to the attorney of record. The attorney, in turn, may require an official written request.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above. The re-

quest should clearly state, what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

Record source categories:

All litigants involved in the cases of this Division are sources of information. Such information is either contained in the record material in the case files or has been extracted from that record material and put onto docket and index cards.

Systems exempted from certain provisions of the act:

None.

JUSTICE/CIV-002

System name:

Civil Division Case File System: Customs Section.

System location:

26 Federal Plaza, New York, New York 10007, and U.S. Department of Justice Data Services Center, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system:

Any and all parties and counsel involved in the cases handled by the Customs Section of the Civil Division will have identifying data contained in this system.

Categories of records in the system:

1. The main record of the system is the case file which is retained on each case under the jurisdiction of the Customs Section of the Civil Division and constitutes the official record of the Department of Justice thereon. All record material relating to a case is retained in the file. Each file is assigned the Customs Court number given to the summons filed in that court or, in cases filed prior to October 1, 1970, to reappraisal appeals or to protests filed with the Customs Court.

The number assigned to the file will change to the number assigned by the Court of Customs and Patent Appeals, if that case becomes the subject of an appeal before that court. In addition, the Customs Section retains a log of communications received and communications sent. The correspondence is identified thereon by court (case) number, identification of the kind of communication, and the person receiving it.

2. The case file and communication logs are physically retained at the offices of the Customs Section, 26 Federal Plaza, New York, New York 10007. From these records, the Customs Section inputs certain information for conversion into a data processing system which is maintained at the Department of Justice Data Services Center, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. Included in the information contained in the data processing system is the identity of the parties and their counsel, as well as the merchandise involved, the port of entry and the competing statutory provisions.

3. Alphabetical and numerical indices are maintained as a means of access to the proper file number by the cross-referencing of the names of non-government parties to suits with the appropriate file (court) numbers. These indices are made of index cards and maintained in the Chief Clerk's office in the Customs Section.

Authority for maintenance of the system:

The Customs Section case files are maintained under the authority of 28 U.S.C. 2601(b) and 2632(e) and established in accordance with 28 CFR 0.45(c) which gives the Civil Division responsibility for "all litigation incident to the reappraisal and classification of imported goods, including the defense of all suits in the Court of Customs and Patent Appeals", and with 28 CFR 0.48 which designates the Chief, Customs Section, "to accept service of notices of appeals to the Court of Customs and Patent Appeals and all pleadings and other papers filed in the Customs Court, when the United States is an adverse party in any customs litigation".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Any record pertaining to any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice, including the Federal Bureau of Investigation and the United States Attorney offices, for use in connection with the consideration of that case or matter or any other case or matter under consideration by the Civil Division or any other component of the Department of Justice.

Certain information contained in the record may also be disseminated to the U.S. Customs Service, the Department of the Treasury, the International Trade Commission, the Department of State, or any other agency of the Government whose decision is being challenged in a case assigned to the Customs Section for disposition. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or a hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an

informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign

country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions of 28 CFR 17.60; (14) copies of the summons (protest and reappraisal appeals, where appropriate) and the communication logs are made available to employees of the private contractor who services the data processing system in New York for the purpose of enabling such employees to extract all pertinent information from said documents so that such information may be encoded and converted to punch card form.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

(1) The case files utilize standard file jackets or envelopes and are maintained in standard file cabinets; (2) The alphabetical index cards are maintained in standard file cabinets; (3) The communication logs are maintained in looseleaf binders and, when not being currently referred to, are also maintained in standard file cabinets; (4) The information in the data processing system is maintained on tapes stored in the Data Services Center.

Retrievability:

(1) The case files must be retrieved by number. The file number may be ascertained from the alphabetical index when the name of any non-government litigant is known. (2) The information contained in the data processing system may be retrieved through the retrieval tool activated by an attorney making a request for a report to the computer technician who codes the request on a form in the format of the retrieval language. The action words of the retrieval reports

are: List—lists the case numbers of the cases which satisfy certain criteria such as plaintiff's name, counsel's name, court number, merchandise, competing statutory provisions, Government counsel. Write—output and the full history for any case specified by case number. Write*—a limited case history for any case specified by case number. Count—tallying the number of cases in the data base contained in the request.

Safeguards:

(1) Information contained in the system is unclassified. However, only attorneys in the Customs Section who have responsibility for the case may properly obtain a case file. Correspondence and telephone calls about particular cases are referred to the attorney having responsibility for the case. In the attorney's absence, another attorney covering for the absent attorney or the Chief of the Section may respond to the telephone call or correspondence. The index files and the communication logs are utilized only by the personnel of the Customs Section in locating or verifying information contained in the system. (2) Information from the data processing system may be obtained only by attorneys on the basis of requests made in writing on a proper form supplied by the Customs Section. The request is made of the computer technician. Normally these requests are mailed to the technician in charge at the Data Services Center, but occasionally the request may be related telephonically by the computer technician.

Retention and disposal:

(1) Closed case files are sent to the Federal Records Center for retention in accordance with the authorized Records Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives. After the designated period is passed, the file is destroyed. The communication logs are sent to the Federal Records Center for retention in accordance with the authorized records disposal schedule after five years. After the designated period those records are also destroyed. The index cards, however, are not purged. (2) Periodically, the inactive cases will be purged from the main tape in the data processing system and transferred to the historical tape where the information will be retained indefinitely. There is a provision in the data processing system to delete and remove an entire case history from the main or historical tape. This may be done on request from the Chief of the Customs Section and such removed cases will not be saved or written on any other tape.

System manager(s) and address:

Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Record access procedures:

A request for information concerning the cases of the Customs Section of the Civil Division should be submitted in

writing, with the envelope and letter clearly marked "Privacy Access Request". The request should include the file number and/or the names of any non-government litigant known to the requestor. The requestor should also provide a return address for transmitting the information. Such access request should be submitted to the Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Assistant Attorney General, Civil Division, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. The request should clearly state what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories:

All litigants involved in the cases of this Division are sources of information. Such information is either contained in the record material in the case files or has been extracted from that record material and put on communication logs and/or index cards.

Systems exempted from certain provisions of the act:

None.

JUSTICE/CIV-003

System name:

Office of Alien Property File System.

System location:

550 11th Street, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system:

Any and all parties involved in the cases, claims and matters handled by the Office of Alien Property may have identifying data contained in this system.

Categories of records in the system:

1. This system consists of indices and files relative to enemy-owned property, reporting sources, ownership, vesting, and claims for the return thereof. Each vesting order is assigned a general file number, and each claim has a separate file number. Separate account files are maintained on vested property for each alien account.

2. Alphabetical and numerical indices are utilized as a means of access to the proper general file by the cross-referencing of the names of all individual former property owners and claimants with the general files.

3. Records of litigation involving the Office of Alien Property are contained in this system. There are also alphabetical and numerical indices to facilitate access to these cases.

Authority for maintenance of the system:

The Office of Alien Property files are maintained under the authority of 44

U.S.C. 3101 and 50 U.S.C. App. 40, Title II of the International Claims Settlement Act, and was established in accordance with 28 CFR 0.47 which states in part "The Office of Alien Property shall be a part of the Civil Division * * *" and thereafter describes the authority, rights, privileges, powers, duties and functions of that office.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Any record pertaining to any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice, including the Federal Bureau of Investigation and the United States Attorney offices, for use in connection with the consideration of that case or matter or any other case or matter under consideration by the Civil Division or any other component of the Department of Justice.

Certain information contained in the record may also be disseminated to the U.S. Customs Service, the Department of the Treasury, the International Trade Commission, the Department of State, or any other agency of the Government whose decision is being challenged in a case assigned to the Customs Section for disposition. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings; (6) a record re-

lating to a case or matter that has been referred by any agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions of 28 CFR 17.60; (14) records are also available to the public for inspection and distribution as set forth at 8 CFR 503.1, including (a) Annual Reports of the Office of Alien Property,

and (b) final determinations, opinions and orders in cases heard or reviewed within the Office of Alien Property; (15) records and documents are available for inspection by persons properly and directly concerned in connection with claims filed with the Office, records in cases heard or reviewed in the Office, and authorizations for sale and records of bids in public sales and orders for their acceptance or rejection and notifications thereof; (16) any record or portion thereof may also be disseminated to the Department of the Treasury and to the Foreign Claims Settlement Commission as a matter of routine use when such record relates to matters within the jurisdiction of the Office of Foreign Assets Control, Department of the Treasury, or claims being processed before the Foreign Claims Settlement Commission; (17) any record or portion thereof relating to an estate or trust matter under the jurisdiction of the probate courts of the several states may be disseminated to the parties and their representatives or to the courts, in proceedings involving the property owned or claimed to have been owned by a designated national of an enemy country under the provisions of the Trading with the Enemy Act; (18) any record may be disseminated to the Department of State for any negotiation, or other action relating to the Office of Alien Property or to any subject matter which is, or was at one time, under the jurisdiction of the Office of Alien Property.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information in the system is stored in standard file jackets, and on index cards, within standard filing cabinets.

Retrievability:

The files and index cards must be retrieved by file numbers, which can be ascertained from alphabetical indices if the name of the non-government party is known, or from numerical indices relating to the various vesting orders, accounts, claims, or cases.

Safeguards:

Information in the system is regarded as confidential, pursuant to 38 CFR 503.17.

Departmental rules and procedures are in force that insure that only Departmental attorneys and their authorized agents have access to this information.

Retention and disposal:

A file is closed when one of the following occurs:

1. The vesting order has been complied with and the property disposed of pursuant to the Trading with the Enemy Act, and all claims have been processed.

2. A case involving the Office of Alien Property has ended by the final termination of the litigation through a compromise settlement, court decision or any other method of termination for court cases.

The file is then retained in the Federal Records Center for a number of years and thereafter may be destroyed. Index cards are retained for as long as may be practicable.

System manager(s) and address:

Assistant Attorney General, Civil Division; U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Notification procedure:

Address inquiries to Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Record access procedures:

A request for access to a record within the Office of Alien Property system involving matters of privacy and which is not otherwise available to the party requesting the same should be submitted in writing, with the envelope and letter clearly marked "Privacy Access Request". The request should include file or account numbers and/or the names of any known non-government parties. The requester should also provide a return address for transmitting the information. Such access requests should be submitted to the System Manager listed above.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above. The request should clearly state what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

Record source categories:

All claimants to property, as well as former depositories, are sources of information, also other offices and agencies operating under provisions of the Trading with the Enemy Act.

Systems exempted from certain provisions of the act:

None.

Dated: April 28, 1977.

GRIFIN B. BELL,
Attorney General.

[FR Doc.77-13084 Filed 5-6-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

CHANGE OF MEETING DATE

MAY 4, 1977.

Notice is hereby given that due to conflicts in schedules the meeting of the National Advisory Council on Economic Opportunity as announced in the *FEDERAL REGISTER* (42 FR 18906), April 11, 1977 has been rescheduled from May 13, 1977 to June 2 and 3, 1977. The meeting will begin at 9:30 a.m. and is open to the public.

WALTER B. QUETSCH,
Executive Director.

[FR Doc.77-13138 Filed 5-6-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR HUMAN GEOGRAPHY AND REGIONAL SCIENCE

Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Human Geography and Regional Science.

Date and time: May 26 and 27, 1977—9 a.m. to 5 p.m.

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of meeting: May 26, 1977—Closed: 9 a.m. to 5 p.m.; May 27, 1977—Open: 9 a.m. to 11 a.m.; May 27, 1977—Closed: 11 a.m. to 3 p.m.

Contact person: Ms. Patricia J. McWethy, Associate Program Director, Human Geography and Regional Science Program, Room 312, National Science Foundation, Washington, D.C. 20550, telephone 202-634-6683.

Purpose of panel: To provide advice and recommendations concerning support for research in Human Geography and Regional Science.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reasons for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

MAY 4, 1977.

[FR Doc.77-13180 Filed 5-6-77;8:45 am]

ADVISORY PANEL FOR LINGUISTICS**Notice of Meeting**

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Linguistics.

Date and time: May 26 and 27, 1977, 9 a.m. to 5 p.m. each day.

Place: Room 517, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Part open.

Contact person: Dr. Paul G. Chapin, Program Director for Linguistics, Room 320, National Science Foundation, Washington, D.C. 20550, telephone 202-254-6326.

Summary minutes (open portion): May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 213, National Science Foundation, Washington, D.C. 20550.

Purpose of panel: To provide and recommendations concerning support for research in Linguistics.

Agenda: Closed—May 26; all day and May 27, 12 m to 5 p.m. To review and evaluate research proposals and projects as part of the selection process for awards. Open—May 27, 9 a.m. to 12 m. General discussion of the current status and future plans of the Linguistics Program.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 18, 1977.

Dated: May 4, 1977.

M. REBECCA WINKLER,
*Acting Committee
Management Officer.*

[FR Doc.77-13181 Filed 5-6-77;8:45 am]

ADVISORY PANEL FOR SYSTEMATIC BIOLOGY**Meeting**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Systematic Biology.

DATE AND TIME: May 26 and 27, 1977—8:20 a.m. to 5 p.m. each day.

PLACE: Room 543, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. John W. Wright, Program Director, Systematic Biology Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5846.

PURPOSE OF PANEL: To provide advice and recommendations concerning support for research in systematic biology.

AGENDA: To review and evaluate research proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
*Acting Committee
Management Officer.*

MAY 4, 1977.

[FR Doc.77-13182 Filed 5-6-77;8:45 am]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES**RESEARCH GRANTS PANEL MEETING****Correction**

In FR Doc. 77-11259, appearing on page 21874 in the issue of Friday, April 29, 1977, the date in the last line of the first paragraph should read, "June 20, 1977".

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329 and 50-330]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)**Reconstitution of Atomic Safety and Licensing Appeal Board**

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Michael C. Farrar, Chairman.
Richard S. Salzman.
Dr. W. Reed Johnson.

Dated: May 2, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77-12994 Filed 5-6-77;8:45 am]

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.**Issuance of Amendments to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued

Amendments Nos. 25 and 24 to Facility Operating Licenses Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Company which revised Technical Specifications for operation of the Turkey Point Nuclear Generating Units Nos. 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

These amendments concern changes required as a result of a reevaluation of the emergency core cooling system for Turkey Point Unit No. 4. The emergency core cooling system reevaluation fulfills, for Unit No. 4, the requirements of the Commission's Orders for Modification of License dated August 27, 1976, and December 3, 1976. The operating limits for Unit No. 3 set forth in its Technical Specifications remain unchanged although the Unit No. 3 Technical Specifications will be modified to reflect the revisions to the Unit No. 4 Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) the application for amendments dated December 9, 1976, as supplemented by letters dated December 9, December 30, 1976, and January 3, 1977; (2) Amendments Nos. 25 and 24 to Licenses Nos. DPR-31 and DPR-41; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Documents Room, 1717 H Street NW., Washington, D.C., and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.*

[FR Doc.77-12995 Filed 5-6-77;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.
Issuance of Amendment to Facility
Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Company (the licensee) which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment authorizes changes in the radiological environmental surveillance program consistent with current NRC guidance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 6, 1976, and (2) Amendment No. 27 to License No. DPR-36. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of April 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of
Operating Reactors.

[FR Doc.77-12996 Filed 5-6-77;8:45 am]

[Docket No. P-564-A]

PACIFIC GAS & ELECTRIC CO. (STANISLAUS NUCLEAR PROJECT, UNIT NO. 1)
Notice of Special Prehearing Conference

On April 15, 1977, an Atomic Safety and Licensing Board issued a Notice of

Antitrust Hearing, which ordered that a hearing be held, pursuant to section 105 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq., to determine whether the activities under the proposed license for the Stanislaus Nuclear Project, Unit 1, would create or maintain a situation inconsistent with the antitrust laws. This hearing will be conducted by an Atomic Safety and Licensing Board which consists of Mrs. Elizabeth S. Bowers and Mr. Edward Luton as members, and Mr. Daniel M. Head as chairman.

Notice is hereby given that, in accordance with § 2.751a of the Commission's Rules of Practice, 10 CFR Part 2, a Special Prehearing Conference will be held in the above-identified proceeding at 9:30 a.m. on June 8, 1977 at the 5th Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland 20814.

This Special Prehearing Conference will deal with the following matters:

1. Discussion of steps necessary for definition of the issues;
2. Oral argument on any matters still outstanding relating to petitions to intervene;
3. Oral argument on all outstanding motions, including Applicant's motion for summary disposition;
4. The need for discovery and the time required therefore;
5. Establishment of a schedule for further action; and
6. Such other matters as may aid in the orderly disposition of the proceeding.

With regard to the Applicant's motion for summary disposition, all parties except the NRC Regulatory Staff (the Staff) are given until Monday, May 23, 1977, to file responses thereto. The Staff is given until Tuesday, May 31, 1977, to file its response to the motion for summary disposition.

The parties are directed to confer in advance of this prehearing conference in such manner as they deem appropriate with a view toward obtaining stipulations regarding issues in controversy, discovery, scheduling and any other procedures that may aid in the orderly disposition of this cause. If possible, the parties should agree upon a statement of issues in controversy. However, if such an agreement cannot be reached, each party is hereby required to submit to the Board its own written statement of issues in controversy. Any such statement of issues, whether stipulated or not, must be submitted by June 1, 1977. Such statement(s) should be brief and present the issues in summary form, without setting out supporting facts unless absolutely necessary. The Board will require a report from the parties on their efforts regarding stipulations at the beginning of the Special Prehearing Conference.

Members of the public are invited to attend this prehearing as well as the evidentiary hearing which will be held at a later date to be fixed by the Board. Members of the public wishing to make

limited appearances pursuant to § 2.715 (a) of the Commission's Rules of Practice will not be heard at the Special Prehearing Conference but oral or written statements to be presented by limited appearance will be received at the beginning of the evidentiary hearing.

Issued at Bethesda, Maryland, this 29th day of April 1977.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.77-12997 Filed 5-6-77;8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO. ET AL.

Issuance of Amendments to Facility
Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 33 and 32 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments will revise the shock suppressor surveillance and operability requirements to conform with the current NRC standard Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) the application for amendments dated August 21, 1975 as modified by letter dated November 9, 1976; (2) Amendments Nos. 33 and 32 to Licenses Nos. DPR-44 and DPR-56; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc.77-12998 Filed 5-6-77;8:45 am]

[Docket No. 70-1151]

**WESTINGHOUSE NUCLEAR FUEL
FABRICATION PLANT, COLUMBIA, S.C.**

Negative Declaration Regarding Renewal of License

The U.S. Nuclear Regulatory Commission (the Commission) is considering the renewal of Special Nuclear Material License SNM-1107 for the continued operation of the Westinghouse Nuclear Fuel Fabrication Plant at Columbia, South Carolina.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental impact appraisal for the proposed renewal of License No. SNM-1107. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular license renewal is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal (NR-FM-013) is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street NW, Washington, D.C.

Dated at Silver Spring, Maryland, this 29th day of April 1977.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77-12999 Filed 5-6-77;8:45 am]

**ADVISORY COMMITTEE ON REACTOR
SAFEGUARDS SUBCOMMITTEE ON
FLUID/HYDRAULIC DYNAMIC EFFECTS**

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Fluid/Hydraulic Dynamic Effects will hold a meeting on May 25-26, 1977 in Los Angeles, CA. Information regarding the exact location of the meeting room will be published later. The purpose of this meeting is to consider reactor pressure blowdown forces and water hammer effects.

The agenda for subject meeting shall be as follows:

WEDNESDAY, MAY 25, 1977

8:30 a.m.—9 a.m. (Open). The Subcommittee, with any of its consultants who may be present, will meet in Executive Session to exchange opinions and discuss preliminary views and recommendations relating to the above evaluation.

9 a.m.—12 noon (Open). The Subcommittee will meet with representatives of the NRC Staff and Combustion Engineering, and their consultants, to discuss blowdown loadings on reactor pressure vessels and their supports under severe accident conditions.

1 p.m.—5:30 p.m. (Open). The Subcommittee will meet with representatives of the NRC Staff and Westinghouse, and their consultants, to discuss blowdown loadings on reactor pressure vessels and their supports under severe accident conditions.

THURSDAY, MAY 26, 1977

8:30 a.m.—9 a.m. (Open). The Subcommittee, with any of its consultants who may be present, will meet in Executive Session to exchange opinions and discuss preliminary views and recommendations relating to this evaluation.

9 a.m.—12 noon (Open). The Subcommittee will meet with representatives of the NRC Staff, and their consultants, to discuss the analyses of blowdown loadings on reactor pressure vessels and their supports under severe accident conditions for individual plants.

1 p.m.—5 p.m. (Open). The Subcommittee will meet with representatives of the NRC Staff and their consultants, to discuss water hammer problems.

At the conclusion of these sessions, the Subcommittee may caucus to determine whether the matters identified in the Executive Sessions have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct the above closed sessions to protect proprietary information. (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of

the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than May 18, 1977 to Dr. Richard Savio, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on May 24, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1919, Attn: Dr. Richard Savio) between 8:15 a.m. and 5 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination

can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Dr. Richard Savio, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection after June 1 and August 26, 1977, respectively, at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: May 4, 1977.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 77-13207 Filed 5-6-77; 8:45 am]

ABNORMAL OCCURRENCE REPORT Improper Radioactive Source Handling Procedures

An NRC policy statement pertaining to implementation of section 208 of the Energy Reorganization Act of 1974 (Pub. L. 93-438, 42 U.S.C. 5848), as amended, was published in the FEDERAL REGISTER on February 24, 1977 (42 FR 10950). Included in the policy statement are criteria for the Commission to apply in determining whether incidents or events occurring at or associated with licensed activities or facilities are reportable as "abnormal occurrences" (i.e., unscheduled incidents or events which the Commission determines to be significant from the standpoint of public health or safety). In order to provide wide dissemination of information to the public, a FEDERAL REGISTER notice is issued on each abnormal occurrence with copies distributed to the NRC Public Document Room and all local public document rooms. At a minimum, each such notice contains the date and place of the occurrence, and describes its nature and probable consequences.

Additional information will be made available, if appropriate, by means of summary reports placed in the NRC Public Document Room and in all local public document rooms and/or the quarterly abnormal occurrence reports to Congress. The quarterly reports are available from National Technical Information Service, Springfield, Virginia 22161 at a nominal cost.

IMPROPER RADIOACTIVE SOURCE HANDLING PROCEDURES

Date and place. Based on the evaluation of an inspection of Ohmart Corpora-

tion, Cincinnati, Ohio, conducted on March 30-31 and April 1, 1977, the NRC concluded on April 7, 1977 that the company's current operations involving radioactive sources represented an immediate threat to the health and safety of the licensee employees because of serious management and procedural deficiencies for handling radioactive sources. According to NRC's criteria for determining abnormal occurrences, these deficiencies constitute such an occurrence. The company is licensed by the NRC for the manufacture and distribution of gauging devices containing radiographic sources.

Nature and probable consequences. It was determined during the NRC inspection that the licensee had violated various requirements of 10 CFR Part 19 (Notices, Instructions and Reports to Workers; Inspections) and Part 20 (Standards for Protection Against Radiation).

The methods used by the licensee employees in certain radioactive source handling operations brought the sources into close proximity to the individual source handlers' hands resulting in extremity exposures in excess of the limits of 19 CFR Part 20. The majority of extremity exposure was received during two types of source handling operations: (1) The unloading and wipe testing of incoming sources; and (2) the loading of sources into individual source tubes prior to their insertion into a gauging device. With the methods being employed, NRC calculations indicate, for example, that a licensee employee loading an eight-curie cesium 137 sealed source into a gauge would receive a hand exposure of approximately 32 rems for each such operation. While as many as six to eight individuals are at various times involved in handling sources, two or three handle the majority of the sources.

The individuals involved in source handling operations had been provided whole body film badges and dosimeters, but extremity exposures were not being measured nor evaluated. Extremity exposure measuring devices, such as ring badges, were not available to employees nor were mathematical calculations being utilized to estimate exposure. Further, the employees had not received adequate instructions regarding the safe handling of radioactive sources.

Cause or Causes. The licensee failed to exercise sufficient management control in that personnel were not provided specific source handling procedures or adequate radiation safety training. In addition, licensee management failed to supervise source handling operations sufficiently to be aware of actual source handling methods used by employees.

ACTIONS TAKEN TO PREVENT RECURRENCE

Licensee. In response to an NRC order, licensee management discontinued all source handling operations until such time as the immediately required corrective actions were taken and the NRC order was rescinded. Actions taken by the licensee in response to the NRC order include the following:

1. A review of source handling operations, an initial determination of extremity exposures incurred by source handling personnel, and appropriate use of extremity dose monitoring devices for all personnel involved in source handling operations.

2. Training was conducted which included detailed instructions for specific source handling methods designed to maintain extremity exposures below Part 20 limits. The training also included instructions on the hazards of radiation. All new employees will receive training prior to handling sources.

3. The use of revised source handling methods which are designed to minimize extremity exposure using a two phase implementation plan is as follows:

a. An interim method was implemented which provides for the use of remote handling tools designed to reduce extremity exposures to well below the Part 20 limits.

b. The installation and use, within 90 days, of improved facilities and equipment designed to further reduce employee exposure to radiation to levels as low as reasonably achievable.

NRC. On April 7, 1977, NRC issued an Order to Show Cause and Order Suspending License directing the licensee to: suspend all source handling operations; evaluate personnel exposures; train and instruct employees; and develop source handling techniques to assure that exposures to personnel are kept below Part 20 limits in future operations. On April 11, 1977, NRC inspectors visited the licensee's facility to confirm the licensee's compliance with the Suspension Order. NRC established that initial licensee corrective actions had been completed and that the immediate hazards considerations no longer existed. The NRC then issued a rescinding order on April 18, 1977, reinstating the license.

Follow-up inspections will be conducted as appropriate.

Dated at Washington, D.C., this 5th day of May 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 77-13209 Filed 5-6-77; 8:45 am]

[Docket Nos. 50-516, 50-517]

LONG ISLAND LIGHTING CO., (JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2)

Supplementary Order Resuming Evidentiary Hearing

The evidentiary hearing will be resumed on May 31, 1977 at 9:00 AM in the Holiday Inn of Riverhead, Exit 72, Long Island Expressway, Riverhead, Long Island, New York, to receive evidence upon certain contentions and other matters as hereinafter specified. The hearing will proceed on successive week days and will resume on June 7, 1977. The record will be formally closed on or before June 10, 1977.

Evidence will be taken sequentially upon the following contentions and matters which have been previously identified in Applicant's scheduling proposal dated April 14, 1977:

May 31—Applicant's supplemental testimony on IA4: ATWS costs. NRC Staff's testimony on VC1: Groundwater.

June 1—Other parties' testimony (if any) on VC1: Groundwater. Completion of Applicant's testimony on VF2: Table S-3. NRC Staff's testimony on VF2: Table S-3.

June 2—NRC Staff's testimony regarding health effects attributable to coal and nuclear fuel cycle alternatives. Other parties' testimony (if any) regarding health effects attributable to coal and nuclear fuel cycle alternatives.

If the taking of evidence is not completed on June 2, 1977, the hearing will continue as scheduled, *supra*. In any event, as previously stated, the record will be formally closed on or before June 10, 1977. During the hearing, any documentation to be relied upon by the parties for proposed findings and conclusions of law, and briefs shall be marked for identification and offered into evidence.

The public is invited to attend the hearing.

Dated at Bethesda, Md., this 3rd day of May 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE,
Chairman.

[FR Doc.77-13212 Filed 5-6-77; 8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO., PALISADES NUCLEAR GENERATING PLANT

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (licensee) which revised Technical Specifications for operation of the Palisades Nuclear Generating Plant, located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment permits the licensee to operate the Palisades Nuclear Generating Plant with chemical effluents having a pH range of 6.5 to 9.5. The changes in effluents are designed to be consistent with the National Pollutant Discharge Elimination System (NPDES) permit, issued on December 27, 1974 as revised on August 2, 1976 by the State of Michigan Water Resources Commission. Changes to Amendment No. 6 to Provisional Operating License No. DPR-20 issued on August 30, 1974 by the U.S. Atomic Energy Commission, have been made to clarify the nonradiological environmental monitoring program associated with the operation of the closed-cycle condenser cooling system. Temperature measurements of the service and dilution water at the intake and that

in the mixing basin prior to the water being discharged into Lake Michigan are required to be taken. Furthermore, flow measurements of the cooling tower suction basin overflow and discharge water flow to the lake are required, to facilitate enforcement of the Special Technical Specifications arrived at through settlement with the intervenors.

Modifications to the radioactive effluent specifications have been made to clarify the method of control of gaseous releases, which are controlled through the average annual release rate rather than the days of holdup.

Changes in the reporting requirements of the effluent releases and environmental monitoring program have also been made to be consistent with NRC guidelines. A number of editorial changes have also been made for clarification purposes.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see: (1) The applications for the amendment dated January 15, April 18, July 7 and October 1, 1975, (2) Amendment No. 26 to License No. DPR-20 and (3) the Commission's Negative Declaration with the supporting Environmental Impact Appraisal.

All of the above items are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Kalamazoo Public Library, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 2nd day of May 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc.77-13210 Filed 5-6-77; 8:45 am]

[Docket No. 50-255]

PALISADES NUCLEAR GENERATING PLANT

Negative Declaration Regarding Provisional Operating License No. DPR-20

The U.S. Nuclear Regulatory Commission (the Commission) has considered the issuance of a change to the Technical Specifications, Appendix A, of Provisional Operating License No. DPR-20. This change authorizes the Consumers Power Company (licensee) to operate the

Palisades Nuclear Generating Plant with chemical effluents having a pH range of 6.5 to 9.5. The changes in effluents are designed to be consistent with the National Pollutant Discharge Elimination System (NPDES) permit, issued on December 27, 1974, and revised on August 2, 1976, by the State of Michigan Water Resources Commission. Changes to Amendment No. 6 to the Provisional Operating License No. DPR-20, issued on August 30, 1974 by the Atomic Energy Commission, have been made to clarify the nonradiological environmental monitoring program associated with the operation of the closed-cycle condenser cooling system. Temperature measurements of the service or dilution water at the intake and that in the mixing basin prior to the water being discharged into Lake Michigan are required to be taken. In addition, flow measurements of the cooling tower suction basin overflow and discharge water flow to the lake are also required. The purpose of these measurements is to facilitate enforcement of the "Special Technical Specifications Pursuant to Agreement" for the Palisades Plant.

Modifications to the radioactive effluent specifications have been made to clarify the method of control of gaseous releases, which are controlled through the average annual release rate rather than the days of holdup.

Changes have also been made in the reporting requirements of the environmental monitoring programs to be consistent with NRC guidelines, and editorial changes have been made for clarification purposes.

The Commission's Office of Nuclear Reactor Regulation has prepared an environmental impact appraisal for the changes to the Technical Specifications, Appendix A, appended to the Provisional Operating License No. DPR-20, for the Palisades Nuclear Generating Plant described above. On the basis of this appraisal presented in this document, we have concluded that an environmental impact statement for this particular action is not warranted because, pursuant to the Commission's regulations in 10 CFR Part 51 and the Council of Environmental Quality's Guidelines, 40 CFR 1500.6, the Commission has determined that this change in the technical specifications is not a major federal action significantly affecting the quality of the human environment. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Dated at Rockville, Md., this 2d day of May 1977.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects
Branch No. 1, Division of Site
Safety and Environmental
Analysis.

[FR Doc.77-13211 Filed 5-6-77; 8:45 am]

[Docket Nos. 50-582, 50-583]

SAN DIEGO GAS AND ELECTRIC CO.**Receipt of Application for Construction Permits and Operating Licenses and Availability of Environmental Report**

The San Diego Gas and Electric Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an application for licenses to construct and operate the proposed Sundesert Nuclear Plant, Units 1 and 2. This application consists of general and financial information, a Preliminary Safety Analysis Report, and an Environmental Report. The general and financial information portion of the application and the Environmental Report were docketed on April 12, 1977, and the Preliminary Safety Analysis Report was docketed on April 26, 1977. Docket Nos. 50-582 and 50-583 have been assigned to this application. Notice of Receipt of the Partial Application for Construction Permits and Operating Licenses was published in the *FEDERAL REGISTER* under Docket No. P-558-A on December 5, 1975 (40 FR 56985).

The application is for authorization to construct and operate two pressurized water nuclear reactors designated as the Sundesert Nuclear Plant, Units 1 & 2 on a site near Blythe in Riverside County, California. The reactors are designed for an initial output of 2785 megawatts thermal, with an equivalent net electrical output of approximately 960 megawatts.

A Notice of Hearing is being published separately, setting forth the radiological and environmental issues to be considered during the review. A date for submitting Petitions for Leave to Intervene, with specific contentions will be set forth in the Notice of Hearing.

The applicant has filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report, dated November 30, 1976. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities is being made available for public inspection at the Office of the Governor, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, and at Southern California Association of Governments, Suite 100, 600 South Commonwealth Avenue, Los Angeles, California 90005, and at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the local public document room in the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, California 92255. Documents will also be available for public inspection after May 12, 1977, at the San Diego County Law Library, 1105 Front Street, San Diego, California 92101.

After the environmental report has been analyzed by the Commission's Office of Nuclear Reactor Regulation, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission

will, among other things, cause to be published in the *FEDERAL REGISTER* a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the *FEDERAL REGISTER*.

Dated at Bethesda, Md., this 2nd day of May 1977.

For the Nuclear Regulatory Commission.

OLAN D. FARR,
Chief, Light Water Reactors
Branch No. 3, Division of
Project Management.

[FR Doc. 77-13213 Filed 5-6-77; 8:45 am]

[Docket Nos. 50-582, 50-583]

**SAN DIEGO GAS & ELECTRIC CO., SUN-
DESERT NUCLEAR PLANT, UNITS 1 AND 2****Hearing on Application for Construction
Permits**

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the San Diego Gas & Electric Company (the applicant), for construction permits for two pressurized water nuclear reactors designated as the Sundesert Nuclear Plant, Units 1 and 2 (the facilities), each of which will be designed for operation at 2785 thermal megawatts with a net electrical output of approximately 960 megawatts. The proposed facilities are to be located on a site near Blythe in Riverside County, California.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chairman and the Atomic Safety and Licensing Board Panel. The Board consists of Dr. Richard F. Cole, member, Dr. Marvin M. Mann, member and Robert M. Lazo, Esq., Chairman.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review functions which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the *FEDERAL REGISTER* at a later date.

Upon completion by the Commission's staff of a favorable safety evaluation of

the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Nuclear Reactor Regulation will consider making affirmative findings on Item 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicant. In the event that a separate hearing is held with respect to a limited work authorization, Item 6 below describes the matters that would be considered at such a hearing.

**ISSUES PURSUANT TO THE ATOMIC
ENERGY ACT OF 1954, AS AMENDED**

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) Applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

**ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL
POLICY ACT OF 1969 (NEPA)**

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

**ISSUES PURSUANT TO 10 CFR 2.761a
(LIMITED WORK AUTHORIZATION)**

6. Pursuant to 10 CFR 2.761a, a separate hearing and partial decision by the

Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the separate hearing, makes favorable findings on such issues, the Director of Nuclear Reactor Regulation may, pursuant to 10 CFR 50.10(e), authorize the applicant to conduct certain onsite work entirely at its own risk prior to completion of the remainder of the proceeding.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine without conducting a de novo evaluation of the application: (1) Whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's staff has been adequate to support the proposed findings to be made by the Director of Nuclear Reactor Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Nuclear Reactor Regulation; and (2) whether the NEPA review conducted by the Commission's staff has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51: (1) Determine whether the requirements of section 102(2) (A), (C), and (D) of NEPA and Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives, whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery

has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of items 1-5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by July 8, 1977. The presiding Atomic Safety and Licensing Board may make further provision with respect to limited appearances subsequently during the course of this proceeding.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by June 8, 1977. A petition for leave to intervene which is not timely will not be entertained absent a determination by the Board that the petitioner, in addition to the matters specified in 10 CFR 2.714(d), has made a substantial showing of good cause for failure to file on time. The reasons for the tardiness in filing a petition for leave to intervene, as well as the factors specified in 10 CFR 2.714(a) (1)-(4) shall be considered in making a determination whether there has been a substantial showing of good cause by the petitioner.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by May 31, 1977.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Lowenstein, Newman, Reis & Axelrad, Attention: Jack R. Newman, Esq., 1025 Connecticut Avenue NW., Suite 1214, Washington, D.C. 20036, attorney for the applicant.

For further details, see the application for a construction permit dated November 30, 1976, including site suitability information, and the applicant's environmental report, dated November 30, 1976, which, along with any amendments or supplements thereto, are or will be available as noted above for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be available at the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, California 92255, for inspection by members of the public between the hours of 10 a.m. to 8:30 p.m. on Monday through Friday and from 10 a.m. to 5 p.m. on Saturday and after May 12, 1977, at the San Diego County Law Library, 1105 Front Street, San Diego, California 92101, from 8 a.m. to 10 p.m. Monday through Thursday, from 8 a.m. to 5 p.m. on Friday, from 10 a.m. to 5 p.m. on Saturday, and from 12 noon to 5 p.m. on Sunday. As they become available, a copy of the safety evaluation report by the Commission's Office of Nuclear Reactor Regulation, the draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, the transcripts of the

prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the proposed construction permits and the ACRS report may be obtained, when available, by request to the Director, Division of Project Management, United States Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's safety evaluation and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Washington, D.C., this 4th day of May 1977.

UNITED STATES REGULATORY
COMMISSION,
SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-13214 Filed 5-6-77; 8:45 am]

[Docket Nos. STN 50-508, STN 50-509]

**WASHINGTON PUBLIC POWER SUPPLY
SYSTEM (WPPSS NUCLEAR PROJECT
NOS. 3 AND 5)**

Resumption of Hearing

MAY 3, 1977.

On August 9, 1974, the U.S. Atomic Energy Commission* published a "Notice of Hearing on Application for Construction Permits" (39 FR 30535), with respect to the application filed by Washington Public Power Supply System (Applicant) on behalf of itself and four investor-owned electric utilities, for construction permits for two pressurized water nuclear reactors designated as WPPSS Nuclear Project Nos. 3 and 5, proposed to be located at Applicant's site in Grays Harbor County, approximately 26 miles west of Olympia, Washington.

Sessions of the public evidentiary hearing in this proceeding concerning environmental and site suitability matters were held before the Atomic Safety and Licensing Board (Board) on June 24 and 25, 1975, in Aberdeen, Washington. The Board issued a Partial Initial Decision on environmental and site suitability determinations on April 8, 1977 (LBP-77-25, 5 NRC (1977)). The purpose of this Notice is to set a date for reconvening the hearing to consider all remaining public health and safety matters in the above-identified proceeding.

Please take notice that the public evidentiary hearing being held before the Atomic Safety and Licensing Board to consider an application for the issuance of construction permits for WPPSS Nu-

clear Project Nos. 3 and 5, will resume on Tuesday, May 24, 1977, at 10 a.m., local time, in the First Floor Conference Room, State of Washington General Administration Building, 11th Avenue, Olympia, Washington 98504. The hearing shall be conducted day by day until all evidence concerning health and safety matters has been presented or until continued by further order of the Board.

Members of the public are welcome to attend the hearing. Individuals who have requested permission to make a limited appearance pursuant to the provisions of § 2.715(a) of the Commission's rules of practice, will be permitted to present an oral or written statement on the first day of the hearing.

Issued at Bethesda, Md., this 3d day of May 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.77-13215 Filed 5-6-77; 8:45 am]

**PRESIDENT'S COMMISSION ON
MENTAL HEALTH**

**PUBLIC'S CONCERNS REGARDING
MENTAL HEALTH**

Public Hearings

In accordance with section 10(A) (2) of the Federal Advisory Committee Act (5 USC Appendix D), announcement is made of the following Presidential Commission public hearings during the month of May, 1977.

**THE PRESIDENT'S COMMISSION ON
MENTAL HEALTH**

(1) May 24, 1977; 9:30 a.m. to 5 p.m., 3rd Floor Conference Room, William J. Greene, Jr., Federal Building, 600 Arch Street, Philadelphia, Pennsylvania.

(2) May 25, 1977; 9:30 a.m. to 5 p.m., Courtroom No. 1, Federal Building Courthouse, 801 Broadway, Nashville, Tennessee.

OPEN PUBLIC HEARINGS

Contact: Mary Ann Orlando, Special Assistant to the Chairperson, President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500—Tel: 202/456-7100.

Anyone wishing to testify at either of the above public hearings should notify the Commission in writing no later than May 15, 1977, indicating the name of organization or organizations, if any, being represented and the subject and particular point of view within the mental health area to be discussed. Requests to testify should be addressed to:

The President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500.

Requests to testify will be accepted on a time available basis. Those who are scheduled to testify will be notified by the Commission.

Oral testimony will be limited to 8 minutes, followed by 4 minutes of ques-

tioning by the Commission. Additional written data in support of the testimony will also be made a part of the record and must be submitted at the time of testimony.

If time does not permit all to testify, presentations will be accepted in written form and made a part of the record of the proceedings, but must be submitted to the Commission at its offices within one (1) week of the hearing.

In addition, time will be allotted to permit individuals from the audience to testify for a maximum of 3 minutes. Requests to testify from the floor will be accepted at the time of the hearing and will be honored on the basis of time available and relevance of subject matter.

Purpose of Commission: The President's Commission on Mental Health is a policy recommendation commission composed of 20 members representing a broad spectrum of interested and informed private citizens. The Commission was created by the President by Executive Order No. 11973 and was directed to identify the mental health needs of the nation. In particular, the Commission shall seek to identify: how the mentally ill, emotionally disturbed and mentally retarded are being served or underserved and who is affected by such underservice; projected needs for dealing with emotional stress during the next twenty-five years; ways the President, Congress and the Federal Government may efficiently support the treatment of the underserved mentally ill, emotionally disturbed and mentally retarded; methods for coordinating a unified approach to all mental health services; types of research the Federal Government should support to further prevention and treatment of mental illness and mental retardation; roles various educational systems, volunteer agencies and other people-helping institutions can perform to minimize emotional disturbance; and what programs will cost, when the money should be spent and how the financing should be divided among Federal, State and local governments, and the private sector. The Commission shall conduct such public hearings, inquiries and studies as may be necessary, and shall submit a preliminary report to the President by September 1, 1977. A final report with recommendations and priorities shall be submitted to the President by April 1, 1978.

Purpose of Public Hearings: Public hearings are designed to give Commissioners an opportunity to hear firsthand the concerns of the American public directly related to the field of mental health.

Further information may be obtained from the above named person.

Attendance by the public will be limited to space available.

The Commission will furnish upon request transcripts of the public hearings at printing cost. Requests for such transcripts should be directed to: The President's Commission on Mental

*In accordance with the Energy Reorganization Act of 1974, Pub. L. 93-438, 88 Stat. 1233, the Nuclear Regulatory Commission (NRC) was established on January 19, 1975. The NRC assumed the licensing and regulatory functions of the former Atomic Energy Commission.

NOTICES

Health, Room 121, Old Executive Office Building, Washington, D.C. 20500.

Dated: May 6, 1977.

BENEDICT J. LATTERI,
Administrative Officer, President's
Commission on Mental Health.

[FR Doc.77-13370 Filed 5-6-77;11:11 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 4, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Questionnaire for Processors of Meat of Cattle, single time, meat processors, Evinger, S. K., 395-3710.

Importers' Questionnaire—Live Cattle and/or Meat of Cattle, single time, importers, Evinger, S. K., 395-3710.

Questionnaire for Cattle Growers and Feedlot Operators, single time, cattle growers and cattle feeders, Evinger, S. K., 395-3710.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, program progress report, DSP-89, semi-annually, resettlement agencies, Warren Topellus, 395-5872.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, assessment of vehicle safety problems for special driving populations, single time, handicapped and elderly drivers, Strasser, A., 395-5887.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, regulations-cotton acreage allotments and marketing quotas (upland and extra long staple, on occasion, cotton producers, Marsha Traynham, 395-4529.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary); waste and damage report—assigned home mortgage, FHA2783, on occasion, HUD area/insuring, housing, Veterans and Labor Division, 395-3532.

Schedule of tax information—assigned home mortgage, FHA-2779, on occasion, FHA approved mortgagees, Housing, Veterans and Labor Division, 395-3532.

Application for insurance benefits, fiscal data and general assignment home mortgage one to four, families, FHA2777, on occasion, FHA approved mortgagees, Housing, Veterans and Labor Division, 395-3532.

PHILLIP D. LARSEN,
Management and Budget
Officer.

[FR Doc.77-13199 Filed 5-3-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77-089]

RULES OF THE ROAD ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. D), notice is hereby given of a meeting of the Rules of the Road Advisory Committee to be held on Wednesday and Thursday, June 8-9, 1977, at 9:00 a.m., in the Gallery of the Cartwright Hotel, 524 Sutter Street, San Francisco, California.

The agenda for this meeting is as follows:

1. Welcome.
2. Adoption of the agenda.
3. Adoption of the minutes of the January 25, 1977, meeting.
4. Consideration of proposed amendments to the 1972 international collision regulations.
5. Consideration of the draft rules for U.S. Waters.
6. Consideration of lighting requirements for small craft.
7. Consideration of changes in Lines of Demarcation.
8. Consideration of requiring the flashing yellow light at the head of tows on all inland waters.
9. Consideration of the use of strobe lights for navigational purposes.
10. Any other business.

Attendance is open to interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than two days before the meeting:

Captain R. A. Bauman, Executive Director, Rules of the Road Advisory Committee, c/o Commandant (G-WLE-4/73), U.S. Coast Guard, Washington, D.C. 20590, Telephone 202-426-4958.

to obtain information. A member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on April 27, 1977.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.77-13147 Filed 5-6-77;8:45 am]

Federal Aviation Administration SOUTHERN REGION AIR TRAFFIC CONTROL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Commission Act (Pub. L. 92-463; 5 U.S.C. App. D), notice is hereby given of a meeting of the Southern Region Air Traffic Control Advisory Committee to be held on June 7, 1977, at 9 a.m., e.s.t., at the Airport Holiday Inn, Atlanta, Georgia.

The agenda for this meeting is as follows:

1. Profile Descents
2. Military Training Routes
3. Atlanta Terminal Area Study Group Recommendations
4. ATC Emergency Procedures

Attendance is open to the interested public but limited to the space available. With approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from Mr. Harl Long, Airspace and Procedures Branch, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, 404-763-7865.

Any members of the public may present a written statement to the committee at any time.

Issued in East Point, Ga., on April 29, 1977.

RICHARD M. ROBINSON,
Acting Chairman, Southern Region
Air Traffic, Control Advisory
Committee.

[FR Doc.77-13152 Filed 5-6-77;8:45 am]

National Highway Traffic Safety Administration

[Docket No. 75-10; Notice 3]

DEFECT AND NONCOMPLIANCE NOTIFICATION

Denial of Petition for Reconsideration

This notice denies a petition for reconsideration of 49 CFR Part 577, Defect and Noncompliance Notification (41 FR 56813), published on December 30, 1976. The petition was filed by American Motors Corporation ("AMC").

AMC has petitioned that the Administrator delete § 577.5(g)(1)(iii)(A) in its entirety. This section requires that notification of a noncompliance or safety-related defect by a manufacturer contain a general description of the work involved in repairing it. AMC's objection to

this requirement is longstanding, initially contained in its comment to the docket when Part 577 was proposed. NHTSA, in issuing the regulation and adopting the requirement, discussed in some detail (p. 56814) the reasons why it disagreed with AMC's views. In its petition for reconsideration AMC only reiterated its original views and challenged the Administrator's reasoning. It did not submit data not heretofore considered that would support an amendment or deletion of the requirement. Thus no reason has been shown why the requirement should be reconsidered and the petition is denied.

AMC's second objection is to § 577.6(b)(10). Under this section provisional notification is to include a statement indicating whether, in the manufacturer's opinion, the defect or noncompliance can be remedied by repair. If the answer is affirmative, the manufacturer is required to provide a general description of the work and costs involved, where the parts will be available, and the estimate of the time necessary to repair the problem. In AMC's view, "it is unreasonable to expect that a manufacturer who in contesting an Administrative determination that a defect or noncompliance exists in his product would at the same time have developed a remedy for the alleged defect or noncompliance which he, acting in good faith, does not believe exists." It suggested that § 577.6(b)(10) "should be limited to an appropriate statement of repair feasibility and a recommendation of service facilities where the repair could be performed". Somewhat similar objections were voiced to the original proposal by the Motor Vehicle Manufacturers Association and Chrysler Corporation who felt that it would require unjustified effort to develop repair parts and facilities before a court decision is reached on the Administrator's determination. The agency replied (p. 56815) that these details are justified and necessary to fulfill the purpose of provisional notification contemplated by Congress. One such purpose is that it is in the interests of motor vehicle safety that remedy be accomplished as soon as practicable, without further delay, if the Administrator's determination is upheld in a court proceeding. Therefore, the petition by AMC for reconsideration of § 577.6(b)(10) is denied.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718, secs. 102, 103, 104, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1397, 1401, 1407, 1411-1420; delegation of authority at 49 CFR 1.50).)

Issued on May 2, 1977.

JOAN B. CLAYBROOK,
Administrator.

[FR Doc. 77-13089 Filed 5-6-77; 8:45 am]

[Docket No. EX74-1; Notice 4]

STUTZ MOTOR CAR OF AMERICA, INC.

Petition for Temporary Exemption

This notice grants the petition by Stutz Motor Car of America, Inc. of New York City for an extension of its tempo-

rary exemption from Motor Vehicle Safety Standard No. 215, Exterior Protection, which expired January 1, 1977. The basis of the petition was that compliance would cause substantial economic hardship. Notice of Stutz's previous petition and its grant were published on February 28, 1974 (39 FR 7830) and April 30, 1974 (39 FR 15061). Notice of the current petition was published February 10, 1977 (42 FR 8447) and an opportunity afforded for comment.

Stutz manufactured 38 passenger cars in 1976. It requested an exemption from Standard No. 215 for one more year. In support of its original petition Stutz had stated that in its opinion it

is in compliance with the standard except the possibility of not being able to open the hood after impact due to the possibility of the brass radiator shell jamming the hood or hood release in closed position. It believes that all other safety related components such as lights, door opening, trunk opening, exhaust system and cooling system will remain in conformity with the standard.

Stutz had planned to conform by December 31, 1976, using the funds generated by sales to "implement the necessary styling and design requirements". However, it discovered that "the cost of modifying all our forms and fixtures could not possibly be amortized into the limited number of cars produced". The company had a net profit of \$107,819 in its last fiscal year ending June 30, 1976. It expects to be able to comply with Standard No. 215 by the end of 1977 when it begins production of a successor to the current Stutz.

No comments were filed on the petition.

The effect upon motor vehicle safety of an extension of the exemption appears minimal. To require the company to conform immediately would create a substantial economic hardship for it, in part by depriving it of the American market for an unknown period of time. The Administrator has determined that an extension of exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

In consideration of the foregoing NHTSA Exemption No. 74-1 is hereby extended from the date of issuance of this notice for a period expiring March 1, 1978.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1169 (15 U.S.C. 1410) delegation of authority at 49 CFR 1.50.)

Issued on May 2, 1977.

JOAN B. CLAYBROOK,
Administrator.

[FR Doc. 77-13090 Filed 5-6-77; 8:45 am]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting: Correction

As published in the *FEDERAL REGISTER* on Monday, May 2, the National High-

way Safety Advisory Committee will meet on May 17 and 18 at the DOT Headquarters Building in Washington, D.C.

Please note the following changes: On May 17 the Highway Environment Subcommittee meeting will begin at 1 p.m. instead of the previously published time of 8:30 a.m. Also on May 17 the Driver Subcommittee meeting will begin at 2 p.m. instead of the previously published time of 1 p.m.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, S.W., Washington, D.C., telephone 202-426-2872.

Issued in Washington, D.C., May 4, 1977.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 77-13185 Filed 5-6-77; 8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CORDAGE OF MAN-MADE FIBERS MEASURING $\frac{3}{16}$ INCH OR OVER IN DIAMETER FROM THE REPUBLIC OF KOREA

Preliminary Countervailing Duty Determination

AGENCY: Customs Service, U.S. Treasury.

ACTION: Preliminary negative countervailing duty determination.

SUMMARY: This notice is to inform the public that it has been determined preliminarily that no bounty or grant is being paid or bestowed, directly or indirectly, upon the manufacture, production or exportation of cordage of man-made fibers from the Republic of Korea. A final determination will be made no later than October 28, 1977. Interested persons are invited to submit written comments on this preliminary determination no later than June 8, 1977.

EFFECTIVE DATE: May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward F. Haley, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On December 9, 1976, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the *FEDERAL REGISTER* (41 FR 53882). The notice stated that a petition in satisfactory form was received on October 28, 1976, alleging that payments or bestowals conferred by the Government of the Republic of Korea upon the manufacture, production, or exportation of cordage of man-made fibers measuring $\frac{3}{16}$ inch or over in diameter from the Republic of Korea constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The man-made fiber cordage specified in the petition is classifiable under item 316.6020 of the Tariff Schedules of the United States Annotated (TSUSA), and it is dutiable at the rate of 12.5 cents per pound plus 15 percent ad valorem. It is not eligible for preferential treatment under the Generalized System of Preferences.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits have been received by the Korean manufacturers/exporters of cordage of man-made fibers measuring $\frac{3}{16}$ inch or over in diameter which constitute bounties or grants within the meaning of section 303 of the Act but that these benefits involve aggregate amounts of .15 percent during 1975 and .17 percent for the first six months of 1976, considered to be de minimis. These benefits include:

1. Short-term financing at preferential interest rates under the "Regulation for Export Financing."

2. Tax benefits resulting from the inclusion in loss accounts of reserve funds for certain losses from export activities.

It preliminarily has been determined that certain practices of the Republic of Korea do not constitute a bounty or grant in that they do not on their face describe a bounty or grant based on the information currently available.

These practices are: 1. Remission, upon exportation, of commodity and textile taxes which are indirect taxes levied on enumerated commodities and passed on to the consumer. The Customs Court, in *Zenith Radio Corporation v. United States*, C.D. 4691, ruled that the rebate of the Japanese commodity tax on exportation is a bounty or grant within the meaning of section 303 of the Act. To the extent that the ruling in that case is applicable here, the Department, in the absence of a final court decision to the contrary, maintains its position that the rebate or remission upon exportation of indirect taxes directly related to the exported product does not constitute a bounty or grant.

2. Remission of commodity and textile taxes on imported goods, when such goods are incorporated into an exported product.

Programs preliminarily determined not to have been utilized by, or not applicable to, the cordage industry include:

1. Medium and long-term financing—Cordage manufacturers do not qualify for medium or long-term export financing programs.

2. Deferral of due dates for domestic taxes—Cordage manufacturers have not utilized this tax provision.

3. Credit on duty payments on machines imported to produce cordage for export—Korean manufacturers no longer import their machinery, and therefore, no longer receive benefits under this program.

4. Deferred payment export financing—Cordage manufacturers do not receive benefits under this program.

5. Special depreciation allowance—Neither cordage manufacturer exporting to the United States utilizes the special depreciation provision for export-related industries.

6. Export industrial estates—This regional incentive program was established to encourage manufacturers to locate in areas other than Seoul. Neither cordage manufacturers who exports to the United States is located in an "export industrial estate."

7. Masan free export zone—This area is not occupied by either cordage manufacturer who exports to the United States.

Accordingly, it is preliminarily determined that no bounty or grant, within the meaning of section 303 of the Act, is being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of cordage of man-made fibers measuring $\frac{3}{16}$ inch or over in diameter from the Republic of Korea. A final decision in this case is required on or before October 28, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by this office not later than June 8, 1977.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

JOHN H. HARPER,
Acting Assistance Secretary
of the Treasury.

APRIL 28, 1977.

[FR Doc. 77-13143 Filed 5-6-77; 8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census
SPECIAL CENSUSES
Correction

In FR Doc. 11055, appearing at page 19896, in the issue of Friday, April 15, 1977, in the table on page 19897, in the entry for Arkansas, Ash Flat Town, under the heading "population" the number should be changed to read "468".

Domestic and International Business
Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECH- NICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 1. (Supp. V, 1975), notice is hereby given that a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Tuesday, May 24, 1977 in Room 3817, Main Commerce

Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (CO-COM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of work program, including classification methods for foreign availability and technical classification.

EXECUTIVE SESSION

4. Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 8, 1977, (42 FR 7978).

Dated: May 3, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, Department of Commerce.

[FR Doc. 77-13121 Filed 5-6-77; 8:45 am]

Economic Development Administration ACCENT INDUSTRIES, INC.

Notice of Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Accent Industries, Inc., 2920 South Halladay Street, Santa Ana, California 92705, a producer of plant hangers, was accepted for filing on May 2, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business May 19, 1977.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 77-13120 Filed 5-6-77; 8:45 am]

National Oceanic and Atmospheric Administration

PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE

Cancellation of Meeting

Notice is hereby given that the scheduled meeting on May 12 and 13, 1977, of the Pacific Fishery Management Council and its Scientific and Statistical Committee as published at 42 FR 20649, Volume 42, Number 77, on Thursday, April 21, 1977, has been cancelled.

Dated: May 4, 1977.

JACK W. GEHRINGER,
*Deputy Director,
National Marine Fisheries Service.*
[FR Doc. 77-13156 Filed 5-6-77; 8:45 am]

MARINE FISHERIES ADVISORY COMMITTEE

Public Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC) and subcommittees.

The committee meeting (MAFAC XVII) will be held on Wednesday and Thursday, May 25 and 26, 1977, in Room 4830 of the Department of Commerce Building, 14th Street between E Street and Constitution Avenue, NW., Washington, D.C. The Committee will meet at 8:30 a.m. on Wednesday, May 25, to consider the agenda items specified below. The Wednesday session is scheduled to conclude by 4:45 p.m. On Thursday, May 26, the committee will meet for its last session at 8:30 a.m. to consider the remaining agenda items. It is anticipated that the meeting will be adjourned at noon on Thursday.

Three subcommittee meetings will be held in conjunction with the committee meeting. They will be held in Room 4830 of the Department of Commerce Building. On Tuesday morning, May 24, beginning at 9:00 a.m. and concluding about 12:00 noon, the newly formed MAFAC Consumer Affairs subcommittee will meet to consider organizational and planning matters as well as questions concerned with the voluntary fishery products inspection program and fishery products nomenclature. At 1:30 p.m. of the same day, the MAFAC National Plan for Marine Fisheries subcommittee will meet to consider implementation of the Secretary's Program for Marine Fisheries. This subcommittee meeting should conclude by 4:00 p.m. It will be immediately followed by a meeting of the MAFAC Marine Recreational Fisheries subcommittee to consider current marine recreational fisheries issues. This meet-

ing will run to 6:00 p.m. or longer if necessary.

Items proposed for discussion at the committee meetings are shown on the following agenda:

May 24, 1977 (Tuesday)

9 to 12----- Consumer Affairs subcommittee meeting.
12 to 1:30 p.m.---- Lunch.
1:30 to 4 p.m.---- National Plan for Marine Fisheries (NPMF) subcommittee meeting.
4 to 6 p.m.----- Marine Recreational Fisheries (MRP) subcommittee meeting.
6 p.m.----- Adjourn for the Day.

May 25, 1977 (Wednesday)

8:30 a.m.----- Convene MAFAC XVII.
8:30 to 8:40 a.m.--- Introduction and Announcements.
8:40 to 9:40 a.m.--- NMFS Personnel Cellings/Zero Base Budgeting.
9:40 to 11:40 a.m.--- NMFS Extended Jurisdiction Report and Current Policy Concerns.
11:40 a.m.----- Lunch.
1:30 p.m.----- Reconvene MAFAC.
1:30 to 2:30 p.m.--- Regional Fishery Management Councils' Report.
2:30 to 3:10 p.m.--- Report on NPMF subcommittee meeting.
3:10 to 4:45 p.m.--- Comparison of Recommendations from the National Plan for Marine Fisheries, the Eastland Fisheries Survey, the General Accounting Office Report and other studies.
4:45 p.m.----- Adjourn for the Day.

May 26, 1977 (Thursday)

8:30 a.m.----- Reconvene MAFAC XVII.
8:30 to 9:30 a.m.--- Fisheries Models and Forecasting.
9:30 to 10:15 a.m.--- Fishery Engineering Policy.
10:15 to 11 a.m.--- Report on Consumer Affairs subcommittee meeting.
11 to 11:40 a.m.--- Marine Recreational Fisheries subcommittee Report.
11:40 to 12 m.----- Special items raised by committee for discussion.
12 m.----- Adjourn MAFAS XVII.

The committee meeting and the subcommittee meetings are open to the public and there will be seating for approximately 20 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. Alfred J. Blilk, Executive Secretary, Marine Fisheries Advisory Committee, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: Area code 202-634-7270.

on or about May 17, 1977.

At the discretion of the Chairman, interested members of the public may be permitted to speak at times which will allow the orderly conduct of committee business, and a reasonable time relation between the committee's discussion of a given subject and an address to that same subject by a member of the public.

Interested members of the public who wish to submit written comments should do so by addressing the same to the Executive Secretary, as above. To receive due consideration and facilitate their inclusion in the record of the meeting, written statements should be received within 10 days after the close of the committee meeting.

Dated: May 6, 1977.

ROBERT M. WHITE,
Administrator, National Oceanic
and Atmospheric Administration.

[FR Doc.77-13405 Filed 5-6-77; 12:10 pm]

INTERSTATE COMMERCE COMMISSION

[Notice No. 385]

ASSIGNMENT OF HEARINGS

MAY 4, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 125808 (Sub-1), AAACon Auto Transport, port, Inc. Petition Seeking Modification of Permit (Certificate), now being assigned July 11, 1977 (1 week) at New York, New York, in a hearing room to be later designated.

MC 134113 (Sub-9), Hi-Ball Trucking, Inc., now assigned June 8, 1977 at Billings, Montana, hearing canceled and transferred to Modified Procedure.

MC 113678 (Sub-No. 637), Curtis, Inc., now assigned May 5, 1977, at New York City, N.Y. is canceled and application dismissed.

MC 108393 Sub 109, Signal Delivery Service, Inc. now assigned May 17, 1977 at Atlanta, Georgia is canceled.

MC 129903 (Sub-4), American Farm Lines, Inc., now being assigned July 12, 1977 (4 days) at Dallas, Texas, in a hearing room to be later designated.

MC 42011 (Sub-30), D. Q. Wise & Co., Inc., now being assigned July 18, 1977 (1 day) at Dallas, Texas, in a hearing room to be later designated.

MC 133095 (Sub-125), Texas Continental Express, Inc., now being assigned July 19, 1977 (1 day) at Dallas, Texas, in a hearing room to be later designated.

MC 136008 (Sub-79), Joe Brown Company, Inc., now being assigned July 21, 1977 (2 days) at Albuquerque, New Mexico, in a hearing room to be later designated.

MC 139458 (Sub-1), Richner, Inc., now being assigned July 25, 1977 (1 week) at Durango, Colorado, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-13190 Filed 5-6-77; 8:45 am]

[Notice No. 165]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76784, filed April 21, 1977. Transferee: Earl R. Martin, Inc., P.O. Box 3, East Earl, Pennsylvania 17519. Transferor: Earl R. Martin, Address same as transferee. Applicants' representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pennsylvania 17108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 135741, MC 135741 (Sub-No. 2), and MC 135741 (Sub-No. 4), issued February 23, 1972, January 3, 1973 and March 10, 1975, as

follows: *Dry fertilizer and dry fertilizer ingredients*, From points in Prince George County, Va., to points in Berks and Montgomery Counties, Pa.; *Dry fertilizer and dry fertilizer ingredients*, in bulk, in dump vehicles, and in containers, From points in Prince George County Va., to points in Chester and Lancaster Counties, Pa.; and *Ammonium sulphate*, in bulk, in dump vehicles, From Hopewell, Va., to Allentown and Lebanon, Pa., and Baltimore, Md. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77004, filed March 1, 1977. Transferee: C. C. Boring Trucking, Inc., Box A-7, West Main Street, Belleville, Pennsylvania 17004. Transferor: Paul E. Confer (Vivian M. Confer, Executrix), P.O. Box 234, Howard, Pennsylvania 16841. Applicants' representative: Leonard R. Apfelbaum, Attorney at Law, 160 Arch Street, Sunbury, Pennsylvania 17801. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-96235, issued October 21, 1968, as follows: *Fertilizer materials*, from Baltimore, Md., to points in Centre, Clinton, Bedford, Somerset, Juniata, Cambria, Blair, Perry, Huntingdon, Mifflin, Snyder, and Clearfield Counties, Pa., with no transportation for compensation on return except as otherwise authorized. *Fertilizer*, from Baltimore, Md., to points in Centre, Clinton, Bedford, Somerset, Juniata, Cambria, Blair, Perry, Huntingdon, Mifflin, Snyder, Clearfield, Northumberland, Lycoming, Union and Montour Counties, Pa., with no transportation for compensation on return except as otherwise authorized. *Brick*, from Paxtonville, Pa., to points in New Jersey and Delaware, and those in New York east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 62 to junction New York Highway 18, and thence along New York Highway 18 to Lake Ontario and south of Lake Ontario and a line beginning at Port Ontario, N.Y., and extending in a southeasterly direction through Pulaski, Utica, and Troy, N.Y., to the New York-Massachusetts State line, including points on the indicated portions of the highways specified and the points named, with no transportation for compensation on return except as otherwise authorized. From Beavertown, Pa., to construction sites in Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized.

Floor and structural tile, brick chips, and brick and shale granules, from Paxtonville, Pa., to points in New Jersey and Delaware, and those in New York east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 62 to junction New York Highway 18, and thence along New York Highway 18 to Lake Ontario and south

of Lake Ontario and a line beginning at Port Ontario, N.Y., and extending in a southeasterly direction through Pulaski, Utica, and Troy, N.Y., to the New York-Massachusetts State line, including points on the indicated portions of the highways specified and the points named, with no transportation for compensation on return except as otherwise authorized. Brick, floor and structural tile, brick chips, and brick and shale granules, from Paxtonville, Pa., to points in Connecticut, Maryland, Virginia, the District of Columbia and those in New York west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 62 to junction New York Highway 18, thence along New York Highway 18 to Lake Ontario, and north of a line beginning at Port Ontario, N.Y., and extending in a southeasterly direction through Pulaski, Utica, and Troy, N.Y., to the New York-Massachusetts State line, with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210 a(b).

No. MC-FC-77048, filed April 22, 1977. Transferee: Joseph C. Layole, 106 Macktown Road, Windsor, Connecticut 06095. Transferor: Brickhaulers, Incorporated, 34 Sillman Road, Wallingford, Connecticut 06492. Applicant's Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Connecticut 06117. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 83726 (Sub-No. 1) and MC 83726 (Sub-No. 3), issued November 8, 1971, and June 9, 1972, respectively, as follows: Brick, over irregular routes, from Berlin, Windsor Locks, Hartford, and East Windsor Hill, Conn., to Pawtucket, R.I., points in that part of New York on and south of U.S. Highway 44 and on and east of the Hudson River, points in Providence, Kent, and Washington Counties, R.I., Taunton, Milford, and New Bedford, Mass., and that part of Massachusetts on and west of Massachusetts Highway 12; and from East Windsor Hill, Conn., to points in Maine, New Hampshire, and Vermont, points in that part of Massachusetts east of Massachusetts Highway 12 (except Taunton, Milford, and New Bedford), points in New York within 25 miles of Albany, and points in Rhode Island (except Pawtucket and points in Providence, Kent, and Washington Counties); and Building materials (except commodities in bulk), Between points in Connecticut. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 212a(b).

No. MC-FC-77068, filed May 2, 1977. Transferee: Robert J. Corduck and Jeanne L. Corduck, doing business as East Coast Movers, 14 Cerqua St., Woburn, Mass. 01801. Transferor: Remy Moving and Storage Corp., Old Post Road, Wal-

pole, Mass. 02081. Applicants' representative: Robert J. Gallagher, Attorney-at-Law, Suite 1200, 1000 Connecticut Ave., Washington, D.C. 20036. Transferee seeks to acquire all of the operating rights of transferor set forth in Certificate No. MC 434, issued August 10, 1959, as follows: Household goods, between Fall River, Mass. and points within 10 miles thereof, on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Virginia; between Cambridge, Mass., and points in Massachusetts within 20 miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and New York; between Falmouth, Mass. and points in Massachusetts within 50 miles thereof, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; between points in a described area in Barnstable County, Mass., on the one hand, and, on the other, points in Connecticut, Rhode Island, and Maryland; and used furniture, uncrated, between Provincetown, Mass. and New York, N.Y. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77088, filed April 18, 1977. Transferee: JRB, Inc., 1001 Wheatley Road, Ashland, Kentucky 41101. Transferor: Van's Transportation, Inc., P.O. Box 367, Middletown, Ohio 45042. Transferee's representative: Bill Jones, 1416 Winchester Ave., Ashland, Kentucky 41101. Transferor's representative: Paul F. Berry, Paul F. Berry Co., L.P.A., 275 E. State Street, Columbus, Ohio 43215. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 139083 issued November 18, 1974, as follows: *Iron and steel articles* (except scrap metal), From the plant site of Armco Steel Corporation in Summit, Ky., to points in Kentucky, West Virginia, Virginia, Pennsylvania, Ohio, Indiana, Tennessee, Michigan, Illinois, New York, New Jersey, Maryland, Wisconsin, Missouri, and the District of Columbia, and *Pipe*, (except iron or steel pipe), Between Summit (Boyd County), Ky., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: The operations authorized are restricted to the transportation of traffic originating at the origins specified therein and destined to the destinations specified therein. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 212a(b).

No. MC-FC-77093, filed April 21, 1977. Transferee: A J L, INC., 28013-13th S.E., Space No. 37, Kent, Wash. 98431. Transferor: Mayo Robison, doing business as, Lumber Trucking Service, 943 South Nebraska, Seattle, Wash. 98108. Applicants' representative: Carl A. Jonson, Attorney at Law, 300 Central Bldg., Seattle, Wash. 98104. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates, No. MC 110140 Sub-2, and Sub-5, Sub-9, and Sub-11, issued January 4, 1952 (corrected), January 11, 1967, October 17, 1973, and July 18, 1974, respectively, as follows: *Lumber*, over regular routes, with restrictions, from Everett, Wash., and Tacoma, Wash., to the part of Seattle, Wash., as follows: From Everett, over U.S. Highway 99 to Seattle. From Tacoma over U.S. Highway 99 to Seattle. Service is not authorized at any intermediate point on the above-specified routes. *Lumber*, over irregular routes, with restrictions, from points in Kitsap County, Wash., to the port of Seattle, Wash. Also *lumber*, from the port of entry on the United States-Canada Boundary line at or near Sumas, Wash., to points in King and Pierce Counties, Wash. Also *lumber*, from points in Clallam and Jefferson Counties, Wash., to the ports of entry on the United States-Canada Boundary line located at or near Blaine and Lyndon, Wash. And *lumber* from points in Grays Harbor County, Wash., to those ports of entry on the United States-Canada Boundary line near Blaine and Lyndon, Wash. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77101, filed April 28, 1977. Transferee: Wolff Brothers Moving Company, a corporation, 1110 Fairfield St., Scranton, Pa. 18509. Transferor: Willard Wassel, doing business as Wassell and Son Moving, 3260 Birney Ave., Scranton, Pa. 18505. Applicants' representative: Amil M. Minora, Attorney-at-Law, 444 Jefferson Ave., Scranton, Pa. 18510. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 140450, issued May 22, 1975, as follows: Household goods, as defined by the Commission, between Scranton, Pa., on the one hand, and, on the other, points in New Jersey, and points in the New York, N.Y. Commercial Zone, as defined by the Commission; and between Scranton, and Clarks Summit, Pa., on the one hand, and, on the other, points in New York. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77102, filed April 28, 1977. Transferee: Larry O. Christensen, doing business as Northern Courier Service, P.O. Box 23700, Minneapolis, Minn. 55423. Transferor: Loomis Courier Service, Inc., 390 Fourth St., San Francisco, Calif. 94107. Applicants' representative: Douglas L. Skor, Attorney-at-Law, 2200

First National Bank Building, Saint Paul, Minn. 55101. Authority sought for purchase by transferee of the operating rights of transferor set forth in Permits Nos. MC 129034 (Sub-No. 9) and MC 129034 (Sub-No. 12), issued by the Commission July 12, 1976, and October 28, 1976, respectively, as follows: Such commercial papers, documents, and written instruments (except currency and negotiable securities), as are used in the business of banks and banking institu-

tions, between Ironwood, Mich., on the one hand, and, on the other, points in Ashland, Bayfield, Iron, and Price Counties, Wis., limited to a transportation service to be performed under a continuing contract, or contracts with American National Bank and Trust Company; and cash letters, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in Douglas, Polk, Barron, St. Croix, Dunn, Pierce, Eau Claire, Buffalo, Trempealeau, Pepin, Burnett, La

Crosse, Chippewa, and Washburn Counties, Wis., limited to a transportation service to be performed under a continuing contract or contracts with banks or banking institutions. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-13191 Filed 5-6-77;8:45am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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I

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 10 a.m. May 10, 1977.
PLACE: 5th Floor Hearing Room, 2033 K Street, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: I. Interpretations of Commission Regulations 155.2(a)-(h) Regarding Trading Standards for Floor Brokers; 2. Commission Consideration of Advisory Committee Exceptional Service Awards.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-351-77 Filed 5-4-77; 4:47 pm]

2

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Wednesday, May 11, 1977, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. 20463.

STATUS: This Meeting will be closed to the public.

MATTERS TO BE CONSIDERED: I. Presidential Primary Audit Recommendation No. 2; II. Compliance matters; III. Personnel.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, telephone 202-523-4065.

[S-350-77 Filed 5-4-77; 4:47 pm]

3

[No-21]

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: 9:30 a.m., May 11, 1977.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

MATTERS TO BE CONSIDERED:

Bank Membership and Insurance of Accounts Applications—Seaboard Savings and Loan Association, Virginia Beach, Virginia.

Branch Office Application—First Federal Savings and Loan Association of Boise, Boise, Idaho.

Branch Office Application—Colonial Federal Savings and Loan Association, Cape Girardeau, Missouri.

Satellite Office Application—Collective Federal Savings and Loan Association, Egg Harbor City, New Jersey.

Application for Insurance of Accounts—Cypress Savings and Loan Association, Pittsburg, Texas.

Amendment of Charter, Section 1—First Federal Savings and Loan Association of Johnson City, Johnson City, Tennessee.

Service Corporation Activity Application—Union Service Corporation, a Wholly-owned Subsidiary of Great Western Union Federal Savings and Loan Association, Seattle, Washington.

Limited Facility Application—Coast Federal Savings and Loan Association, Los Angeles, California.

Concurrent Consideration of Three Branch Office Applications

1. Fidelity Federal Savings and Loan Association of Knoxville, Knoxville, Tennessee

2. First Federal Savings and Loan Association of Oak Ridge, Oak Ridge Tennessee (East Branch)

3. First Federal Savings and Loan Association of Oak Ridge, Oak Ridge Tennessee (West Branch)

MAY 4, 1977.

Change of Office Location Application—Financial Federal Savings and Loan Association, Miami Beach, Florida.

Application for Extension of Time to Open Branch Office—Standard Federal Savings and Loan Association, Troy, Michigan.

Satellite Office Application—Coral Gables Federal Savings and Loan Association, Coral Gables, Florida.

[S-352-77 Filed 5-5-77; 4:47 pm]

4

[Notice No. 7-77]

AGENCY HOLDING THE MEETING: Foreign Claims Settlement Commission.

ANNOUNCEMENT IN REGARD TO COMMISSION MEETINGS AND HEARINGS

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling

of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

Date and time	Subject matter
Thursday, May 12, 1977, at 10:30 a.m.	Consideration of Hungarian claims. Do.
Monday, May 16, 1977, at 10:30 a.m.	
Wednesday, May 18, 1977, at 10:30 a.m. (canceled).	
Wednesday, May 25, 1977, at 10:30 a.m.	Routine business.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. 20579. Telephone: 202/653-6156.

Dated at Washington, D.C. on April 29, 1977.

FRANCIS T. MASTERSON,
Executive Director.

[S-353-77 Filed 5-4-77; 4:47 pm]

5

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 21556, April 27, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: May 2, 1977, 3:00 p.m.

CHANGES IN THE MEETING: The Commission added two items to the previously-announced agenda for this meeting, after determining that Agency business required discussion of the matters without seven days advance notice. As with the original item on the agenda, discussion of these two items was closed to the public: 1. *TRIS* The Office of the General Counsel briefed the Commission on the U.S. District Court decision on the Commission's April 8 ban of *TRIS*-treated children's apparel, and on action which the Commission needs to take on the judge's Order; 2. *Possible Violation of the Poison Prevention Packaging Act* (BCMI #770062) This case involves possible prosecution of a firm for possible violation of FPPA packaging requirements for prescription drugs.

[S-346-77 Filed 5-4-77; 2:32 pm]

SUNSHINE ACT MEETINGS

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 21556, April 27, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: May 3, 1977, 9:30.

CHANGES IN THE MEETING: *TRIS*. The Commission continued its consideration of action necessary following the U.S. District Court decision on CPSC's April 8 ban of *TRIS*-treated children's apparel. The Commission determined that Agency business required consideration of this matter without seven days advance notice. The meeting was open to the public.

[S-347-77 Filed 5-4-77; 2:32 pm]

7

AGENCY HOLDING MEETING: Federal Power Commission.

TIME AND DATE: 2:00 p.m., May 11, 1977.

PLACE: 825 North Capitol Street, Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda) Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, Telephone 202-275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information Room 1000.

GAS AGENDA, 7607TH MEETING, MAY 11, 1977, REGULAR MEETING—PART I, (2 P.M.)

G-1—Docket No. RP76-15 and RP76-98, Algonquin Gas Transmission Company.

G-2—Docket No. RP77-38, City of Philadelphia, Philadelphia Gas Works.

G-3—FPC Gas Rate Schedule Nos. 554, 555, 556, 557, 559 and 560, Phillips Petroleum Company, FPC Gas Rate Schedule Nos. 537, 538, 539, 551, 562, 567, 569, 572, 576 and 577, Sun Oil Company.

G-4—Docket No. CI76-743, Ladd Petroleum Corporation.

G-5—Docket No. CS71-631, Eason Oil Company. Docket No. CS76-842, Devon Corporation.

G-6—Docket Nos. CP75-131 and CP76-129, Mountain Fuel Supply Company. Docket No. OP76-94, Phillips Petroleum Company.

G-7—Docket No. CP69-199, Transcontinental Gas Pipe Line Corporation. Docket No. CP77-107, Gas Gathering Corporation.

G-8—Docket No. CP77-183, Columbia Gas Transmission Corporation.

G-9—Docket No. CP76-248, Sea Robin Pipeline Company.

G-10—Docket No. CP77-291, Sea Robin Pipeline Company, Transcontinental Gas Pipe Line Corporation, Florida Gas Transmission Company, Southern Natural Gas Company, United Gas Pipeline Company.

MISCELLANEOUS AGENDA

M-1—Docket No. RM76-24, Petition of certain utilities and others for amendment of 18 CFR § 1.4(d) to facilitate settlement or disposition of particular issues in proceedings before the Commission.

PART II.—GAS AGENDA

CG-1—Docket No. RP74-100 (PGA Nos. 77-5 and 77-5A), National Fuel Gas Supply Corporation.

CG-2—Docket Nos. RP77-7 and RP72-157 (PGA No. 77-6), Consolidated Gas Supply Corporation.

CG-3—Docket No. RP72-134 (PGA No. 77-6), Eastern Shore Natural Gas Company.

CG-4—Docket Nos. RP69-19 and RP72-167, Consolidated Gas Supply Corporation.

CG-5—Docket Nos. AR61-2, AR69-1 and RP74-41, Texas Eastern Transmission Corporation.

CG-6—FPC Gas Rate Schedule No. 74, Kerr-McGee Corporation.

CG-7—Docket No. CI76-268, Phillips Petroleum Company. Docket No. CI77-157, Amoco Production Company. Docket No. CI77-262, Union Oil Company of California.

CG-8—Docket No. CI60-466, et al., Cabot Corporation, et al.

CG-9—Docket No. G-7241, et al., Aztec Oil and Gas Company, et al.

CG-10—Docket No. CP77-184, Columbia Gas Transmission Corporation.

CG-11—Docket No. CP77-334, Trunkline Gas Company.

CG-12—Docket No. CP77-135, Natural Gas Pipeline Company of America. Docket No. CP77-260, Texas Eastern Transmission Corporation.

CG-13—Docket No. CP76-396, Consolidated Gas Supply Corporation.

CG-14—Docket No. CP77-84, Northern Natural Gas Company, operating as Peoples Natural Gas Division. Docket No. CP77-169, Panhandle Eastern Pipe Line Company.

CG-15—Docket No. CP77-99, Northern Natural Gas Company.

CG-16—Docket Nos. CI75-173, CI77-131, CI77-149, CI77-199, CI77-255 and CI77-266, Gulf Oil Corporation.

MISCELLANEOUS AGENDA

CM-1—Sabine Pipe Line Company.

[S-348-77 Filed 5-4-77; 2:32 pm]

8

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 2 p.m., Wednesday, May 11, 1977.

PLACE: Room 532 (open meeting) and Room 540 (closed meeting), Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to public:

2:00 p.m., Open Meeting:

(1) Oral Argument in *Boise Cascade Corporation, et al.*, Docket No. 8958

Closed Meeting:

(1) Consideration of disposition of Respondent's appeal in *Boise Cascade Corporation, et al.*, Docket No. 8958

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-355-77 Filed 5-5-77; 9:03 am]

9

[USITC SE-77-31A]

AGENCY HOLDING THE MEETING: United States International Trade Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 20882.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., May 6, 1977

CHANGES IN THE MEETING: Additional item added to the agenda as follows:

8. Response to Senate Appropriations Committee questions. The Chairman has indicated that it is his intention to take this item up at the beginning of the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary (202-523-0161).

[S-359-77 Filed 5-5-77; 3:40 pm]

10

AGENCY HOLDING MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENTS: (Sent to Federal Register on May 3, and 4, 1977).

PREVIOUSLY ANNOUNCED TIMES AND DATES OF MEETINGS: 2 p.m., May 10, 1977 and 2 p.m., May 11, 1977.

CHANGE IN THE MEETINGS: The above meetings have been cancelled upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman, and Watt.

KENNETH F. PLUMB,
Secretary.

[S-360-77 Filed 5-5-77; 4:47 pm]

MONDAY, MAY 9, 1977

PART II



**DEPARTMENT OF
HOUSING
AND URBAN
DEVELOPMENT**

**SECTION 8 HOUSING
ASSISTANCE PAYMENTS
PROGRAM**

Eligible Family

Title 24—Housing and Urban Development
CHAPTER VIII—LOW-INCOME HOUSING,
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

[Docket No. R-77-428]

PART 812—DEFINITION OF FAMILY AND
OTHER RELATED TERMS; OCCUPANCY
BY SINGLE PERSONS

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule broadens the classes of persons eligible to occupy low-rent and Section 8 housing under the amended United States Housing Act of 1937. It gives effect to the 1976 Amendments and is intended to increase the scope and the effectiveness of the low-rent housing program. Additionally, this rule establishes a uniform definition of family and other related terms for all housing assisted under the United States Housing Act of 1937.

EFFECTIVE DATE: May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Priscilla Banks, Housing Programs Specialist, or Edward Whipple, Chief; Rental and Occupancy Branch, 202-755-6596, U.S. Department of Housing and Urban Development, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This rule implements the amendments to the United States Housing Act of 1937 in the Housing Authorization Act of 1976 which expand eligibility for public housing and Section 8 to include, under certain circumstances, presently ineligible single persons. As required by the Act, the rule provides that not more than 10 percent of the units within the jurisdiction of any public housing agency may be occupied by singles made eligible by this provision and that, in determining priority for admission, preference must be given to those single persons who are elderly, handicapped or displaced before admitting those single persons made eligible by this provision, except in those cases where the Field Office Director has determined that a project or a portion of a project is not suitable for occupancy by elderly, handicapped or disabled persons. In addition, this rule defines family and other related terms for all housing assisted under the United States Housing Act of 1937.

The Department gave notice on December 16, 1976, at 41 FR 55080 and 55081 that it was proposing to amend Title 24 of the Code of Federal Regulations by adding to Chapter VIII a new Part 812, Definition of Family and Other Related Terms and Occupancy by Single Persons. The comment period closed January 19, 1977. The Department is now publishing Part 812 as a final rule. Since this rule affects the status of many otherwise eligible Single Persons living in projects being converted to assisted

housing, the Department has determined that it is in the public interest to make this rule effective upon the date of publication.

The Department received more than 45 comments in response to the proposed regulations. All comments were carefully considered, and changes have been made to the proposed regulations, as described below, based on these comments. A discussion of the principal changes and of the more recurrent and significant comments follows:

1. In response to several comments, § 812.1, Purpose and Scope, has been revised to include a reference to the statutory 10 percent limitation pursuant to section 3(2)(D) of the Act as implemented in § 812.3(f) of these regulations.

2. Several comments suggested that the phrase "stable family relationship" in § 812.2(d) be defined. The Department has determined not to change this provision. Each PHA and owner responsible for selecting Families will determine whether persons not otherwise qualifying as a "Family" have demonstrated a "stable family relationship" sufficient to establish their eligibility.

3. It was suggested that the definition of "handicapped" in § 812.2(e) be revised so that it "conveys a need for suitable housing for the handicapped but does not stress dependence." This suggestion has not been accepted because the regulation as proposed uses the definition in section 3 of the U.S. Housing Act of 1937. A similar comment concerning the disabled has not been accepted for the same reason.

4. Comments suggested that the definition of "Single Person," as published for comment requiring that the applicant be "a person living alone," be amended to permit persons to be eligible even if they were living with others at the time of their application for assistance. Accordingly, the definition of Single Person has been clarified to define a Single Person as "a person living alone or intending to live alone * * ." (See § 812.2(f).)

5. While many comments were in favor of making Single Persons eligible, several comments expressed the opinion that there should be a minimum age requirement or that eligibility should not be extended to Single Persons at all. The Department has determined that implementation of this amendment to the Act is not discretionary and that there is no authority to make it applicable only to single persons who have attained a certain minimum age.

6. Numerous comments objected to the restrictions set forth in Section 812.3 concerning the types of projects eligible for authorization by HUD to permit Single Persons to occupy housing assisted under the Act. The Department has carefully reconsidered the expressions of Congressional intent set forth in the Conference Report (H.R. Rep. No. 94-1304, 94th Cong., 2d Sess., 1976). With respect to this subject, the report states on page 20:

The Senate bill contained a provision, not in the House amendment, which makes single non-elderly persons eligible for occupancy of public housing and section 8 units in up to 10 percent of a public housing agency's units, provided that single persons who are elderly, handicapped or displaced get preference for admission. The conference report contains the Senate provisions. The conferees expect the Secretary of HUD to limit the applicability of this provision to situations involving the rehabilitation of an existing structure, the conversion of an existing project to a public housing or section 8 project, the filling of vacant efficiencies which are not appropriate for occupancy by elderly or handicapped, and any other similar situation where it would be appropriate for single persons to receive assistance.

(a) Several comments objected to the prohibition against authorizing leasing of units by Single Persons under the Section 8 Existing Housing Program, Part 882. In drafting the proposed regulations, the Department determined that Single Persons should not be eligible for the Section 8 Existing Housing Program because we interpreted the direction of the conference report to Limit Single Person eligibility to situations of conversions to housing assisted under the Act and to cases of vacancies of units not suitable for the elderly or handicapped. Under the Existing Housing Program, there are no physical projects to be converted or to have vacancies, and units are not considered part of the project until a participant selects a unit and executes a lease.

In reconsidering the conference report, however, the Department has determined that where there is "rehabilitation of an existing structure" (which is not converted to a public housing or section 8 project) and where, because of the higher rents, an otherwise eligible Single Person would have to either pay more than 25 percent of income towards rent or move out, such a Single Person may qualify to receive a Certificate of Family Participation from a PHA and could either remain in the dwelling or seek another suitable dwelling on the private market. No prior approval from the Department is required; however, the PHA is subject to the 10 percent limitation. (See § 812.3(b)(2)).

The Department has determined that, given the limitations stated in the Conference Report, it cannot make the Existing Housing Program generally available to Single Persons.

(b) Other comments suggested that permitting occupancy only after "one or more units have been vacant for a period of 60 days or more," and then only after receiving authorization from HUD, was unduly restrictive. This requirement has been retained because of the provision in the conference report giving "the filling of vacant efficiencies which are not appropriate for occupancy by elderly or handicapped" as an example of the types of situations to which this amendment should be limited. Requiring a 60-day vacancy period before authorizing Single Persons to move into units will help assure compliance with

the priority required for the elderly and the displaced.

(c) While the preamble to the proposed regulations stated that the "proposed part extends eligibility for occupancy to Single Persons if they are residing in a project at the time of its conversion to a low-income or lower-income project," the proposed regulation did not include this specific limitation. It has been suggested that Single Persons be permitted to qualify for occupancy in projects which are converted prior to initial occupancy rather than to require a 60-day vacancy period to elapse. The Department has determined to accept this suggestion to permit field offices to authorize eligibility of Single Persons in such projects if it determines all or a portion of the units are not suitable for the elderly and handicapped because of design or location. (See § 812.3(b) (1) (i)).

(d) One comment suggested a wide variety of additional justifications upon which the field office could rely in authorizing Single Person eligibility, including achieving a wider economic mix in the project, a racially mixed project, and revitalization of an older, declining neighborhood. The Department has determined that it is constrained by the limitation in the Conference Report from broadening the situations where Single Persons may be eligible as suggested in this comment.

7. Several comments suggested that requiring the Field Office Director to approve an application requesting authorization for a PHA or private owner to permit Single Persons to occupy a project is too restrictive and administratively complex. (See § 812.3(c)). The Department has determined that the alternative, a 10 percent limitation for each project, would be unnecessarily restrictive. If the 10 percent limitation were applied on a project by project basis, there would be no flexibility to authorize more than 10 percent of the units in a single project to qualify for occupancy by Single Persons. Such approval, however, is not required by PHAs administering an Existing Housing Program to issue Certificates of Family Participation to Single Persons eligible under the new § 812.3(b) (2).

8. Several comments reflected misunderstanding about the effect of the preference required to be given to Elderly Families and Displaced Persons over Single Persons in § 812.3(e). These comments interpreted this Section to exclude disabled and handicapped persons from the preference. However, the definition of Elderly Families includes disabled and handicapped persons. In response to these comments, this section has been clarified to require that the preference be extended to "Elderly Families (including Disabled Persons and Handicapped Persons)."

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during

regular business hours at the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C.

Accordingly, a new Part 812 is added to Title 24 of the CFR, as follows:

- Sec.
812.1 Purpose and scope.
812.2 Definitions.
812.3 Authorization to admit single persons.
812.4 Effect of authorization on contract provisions.

AUTHORITY: Sec. 2(f) of Housing Authorization Act of 1976 (42 U.S.C. 1437a); sec. 7(d), Department of HUD Act (42 U.S.C. 8535 (d)).

§ 812.1 Purpose and scope.

The purpose of this part is to establish a definition of the term Family and other related terms applicable to all housing assisted under the United States Housing Act of 1937 (the Act). In addition, this part prescribes criteria and procedures for occupancy in low-income and lower-income housing projects assisted under the Act by Single Persons who are not otherwise eligible by reason of qualification as an Elderly Family or as a Displaced Person or as the remaining member of a tenant family. This part also incorporates the statutory 10 percent limitation. (See § 812.3(f)). This part is applicable to all housing assisted under the Act.

§ 812.2 Definitions.

The following definitions shall be applicable to all housing assisted under the Act:

(a) **Disabled person.** "Disabled Person" means a person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423) or in section 102(b) (5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 (42 U.S.C. 6001 (7)).

(b) **Displaced person.** "Displaced Person" means a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(c) **Elderly family.** "Elderly Family" means a family whose head or spouse or whose sole member is at least sixty-two years of age, or a Disabled Person as defined in this section or a Handicapped Person as defined in this section, and may include two or more elderly, Disabled or Handicapped Persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.

(d) **Family.** "Family" means (1) two or more persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage, or operation of law, or have evidenced a stable family relationship, (2) an Elderly Family or Single Person as defined in this part, (3) the remaining member of a tenant family, and (4) a Displaced Person.

(e) **Handicapped person.** "Handicapped Person" means a person having a physical or mental impairment which (1) is expected to be of long-continued and indefinite duration, (2) substantially impedes his or her ability to live independently, and (3) is of such a nature that such ability could be improved by more suitable housing conditions.

(f) **Single person.** "Single Person" means a person living alone or intending to live alone and who does not qualify as an Elderly Family or a Displaced Person as defined in this Part, or as the remaining member of a tenant family.

§ 812.3 Authorization to admit single persons.

(a) **Requirement for HUD authorization.** No PHA or private owner shall admit Single Persons to any housing assisted under the Act except pursuant to an authorization issued by the HUD Field Office Director in accordance with this section, except as provided in paragraph (b) (2) of this section.

(b) **Types of projects eligible for authorization.** (1) The HUD Field Office Director may authorize any PHA or private owner to permit Single Persons to occupy any project for which the PHA or private owner has the authority to select tenants or intends to acquire that authority if (i) the project is one which has been or is intended to be converted to a low-income or lower-income project assisted under the Act, and (A) Single Persons are residing in the project at the time of conversion, or (B) the Director determines that the project is not suitable for occupancy by the elderly, disabled, or handicapped because of design or location; or (ii) the project is a low-income or lower-income project receiving assistance under the Act and is experiencing sustained vacancies as evidenced by one or more units having been vacant for a period of sixty days or more and no eligible applicants other than Single Persons are available. (2) A PHA administering a Section 8 Existing Housing Program pursuant to Part 882 of this chapter is authorized to issue a Certificate of Family Participation to a Single Person who otherwise qualifies without specific authorization from the Field Office Director provided that (i) no more than 10 percent of the units in the PHA's Existing Housing Program for which Leases are approved by the PHA are leased by Single Persons, and (ii) the PHA determines that issuance of a Certificate to a Single Person is appropriate because rehabilitation of an existing structure (not assisted pursuant to the Act), resulting in increased rents, would require the Single Person to either pay more than 25 percent of income towards rent or move out.

(c) **Authorization for occupancy by single persons.** The Field Office Director may request the PHA or private owner to submit an application for authorization to permit Single Persons to occupy a project meeting criteria of § 812.3(b) (1). In addition, any PHA or private owner may initiate an application for such authorization. The application shall be submitted to the appropriate HUD

RULES AND REGULATIONS

Field Office in the form of a letter which shall include the following:

(1) Identification of the project or projects involved and the maximum number of units for which the authorization is requested.

(2) A copy of the tenant selection policy which shall govern occupancy by Single Persons or, in the case of a project receiving assistance under Parts 880, 881, 883, or 886 of this chapter, a statement that the selection criteria set forth in the Management Plan applicable to the project will be adhered to in the selection of Single Persons.

(3) A narrative justification for the request including, in cases where the request is based on vacancies in a project already receiving assistance, a description of the PHA's or private owner's efforts to attract eligible applicants other than Single Persons to the project or projects involved.

(d) *Approval.* The HUD Field Office shall notify the PHA or private owner in writing of the action taken with respect to the application which may be one of the following:

(1) Approval as requested.

(2) Approval for a lesser number of units or projects than requested and any other conditions or modifications.

(3) Disapproval, with a statement of the reasons. In the event of approval, the letter of approval shall constitute the authorization to the PHA or private owner to permit Single Persons to occupy the specified number of units under the specified conditions.

(e) *Priority to elderly and displaced persons.* Notwithstanding any authorization to permit occupancy by Single Persons, a PHA or private owner shall extend preference to Elderly Families (including Disabled Persons and Handicapped Persons) and Displaced Persons over Single Persons unless the Field Office Director has determined pursuant to paragraph (b) (1) (i) of this section that the project or portion of such project is not suitable for occupancy by the elderly, disabled, or handicapped.

(f) *Statutory 10 percent limitation pursuant to section 3(2) (D) of the act.* The number of units authorized by the HUD Field Office to be made available to Single Persons within the area under the jurisdiction of a PHA shall not exceed 10 percent of the number of units within the jurisdiction assisted under the Act at the time of the authorization minus the number of units under the Existing Housing Program within the jurisdiction.

§ 812.4 Effect of authorization on contract provisions.

Notwithstanding the provisions of any contract or agreement pursuant to the Act, defining terms otherwise than as defined in § 812.2, PHAs or private owners are authorized to house Single Persons in accordance with an authorization by HUD pursuant to this part.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Issued at Washington, D.C., May 2, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc. 77-13229 Filed 5-6-77; 8:45 am]

[Docket No. R-77-345]

PART 860—INCOME LIMITS WITH RESPECT TO, ADMISSION TO, AND OCCUPANCY OF, LOW-INCOME HOUSING OWNED BY PUBLIC HOUSING AGENCIES OR LEASED BY PUBLIC HOUSING AGENCIES FROM PRIVATE OWNERS

Subpart D—Minimum and Maximum Rent/Income Ratios, and Minimum Rent Requirements

AGENCY: Office of Assistant Secretary for Housing, Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to delete the definitions of (1) disabled person, (2) displaced family, (3) elderly family, (4) family, and (5) handicapped person from the existing rules. These definitions are no longer required since they have been superseded. The effect will be to produce a single uniform definition of family for the program.

EFFECTIVE DATE: May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Priscilla Banks, Housing Program Specialist, or Edward Whipple, Chief, Rental and Occupancy Branch (202-755-6596), U.S. Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTAL INFORMATION: The Department has determined that it is unnecessary to publish this amendment for comment since it merely deletes those definitions superseded by the definitions in 24 CFR Part 812. Public comment was solicited and considered in the development of that rule.

The Department has determined that it would be in the public interest to make this rule effective as of the effective date of Part 812.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C.

Accordingly, § 860.403 is hereby amended to read as follows:

§ 860.403 Definitions.

The definition of family and other related terms contained in Part 812 of this chapter shall be applicable to this subpart. For the purpose of this subpart the following terms shall have the following meaning.

(a) * * *

(b)–(e) [Reserved]

(j) [Reserved]

(Sec. 2(f) of Housing Authorization Act of 1976 (42 U.S.C. 1637a); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., May 2, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc. 77-13231 Filed 5-6-77; 8:45 am]

[Docket Nos. R-77-380; R-77-387; R-77-381; R-77-309; R-77-378]

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Eligible Family

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD

ACTION: Final rule.

SUMMARY: The purpose of this rule is to revise the definition of "Eligible Family" in Parts 880, 881, 882, 883, and 886 of this chapter to incorporate by reference the definitions in Part 812 of this chapter, "Definition of Family and Other Related Terms and Occupancy by Single Persons." Part 812 establishes a uniform definition of family and other related terms applicable to all housing assisted under the United States Housing Act of 1937, as amended (the Act) and establishes procedures and criteria for occupancy of housing by single, non-elderly persons who are not displaced or the remaining member of a tenant family.

EFFECTIVE DATE: May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Priscilla Banks, Housing Programs Specialist, or Edward Whipple, Chief, Rental and Occupancy Branch, 202-755-6596, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 with respect to the applicability of Part 812 to Parts 880, 881, 882, and 883. James J. Tahash, Director, Insured Project Mortgage Division, 202-755-6830, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 with respect to the applicability of Part 812 to Part 886.

SUPPLEMENTARY INFORMATION: The Department has determined that it is unnecessary to publish this amendment for comment since it merely incorporates by reference the provisions of Part 812 and public comment was solicited and considered in the development of that rule.

The Department has determined that it would be in the public interest to make this rule effective as of the effective date of Part 812.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

Accordingly, 24 CFR is amended by revising Part 880—Section 8 Housing Assistance Payments Program—New Construction; Part 881—Section 8 Housing Assistance Payments Program—Substantial Rehabilitation; Part 882—Section 8 Housing Assistance Payments Program—Existing Housing; Part 883—Section 8 Housing Assistance Payments Program—Housing Finance and Development Agencies and New Construction Set-Aside for Section 515 Rural Rental Housing Projects; Part 886—Section 8 Housing Assistance Payment Program—Special Allocations by deleting the definition of Eligible-family in each part and incorporating the revised definition as follows:

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—NEW CONSTRUCTION

§ 880.102 Definitions.

Eligible Family ("Family"). A Family as defined in Part 812 of this Chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

§ 881.102 Definitions.

Eligible Family ("Family"). A Family as defined in Part 812 of this Chapter

which qualifies as a Lower-Income Family and meets the requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

§ 882.102 Definitions.

Eligible Family ("Family"). A Family as defined in Part 812 of this Chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part.

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—HOUSING FINANCE AND DEVELOPMENT AGENCIES AND NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

§ 883.202 Definitions.

Eligible Family ("Family"). A Family as defined in Part 812 of this chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

§ 883.702 Definitions.

Eligible Family ("Family"). A family as defined in Part 812 of this chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

§ 886.102 Definitions.

Eligible Family ("Family"). A Family as defined in Part 812 of this Chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

(Sec. 2(f), Housing Authorization Act of 1976 (42 U.S.C. 1437a); sec. 7(d) Dept. of HUD Act (42 U.S.C. 3535(d)).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., May 2, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc.77-13230 Filed 5-6-77;8:45 am]

MONDAY, MAY 9, 1977

PART III



INTERSTATE COMMERCE COMMISSION



VARIOUS RAILROADS

System Diagram Maps

**INTERSTATE COMMERCE
COMMISSION**

[AB 160 (SDM)]

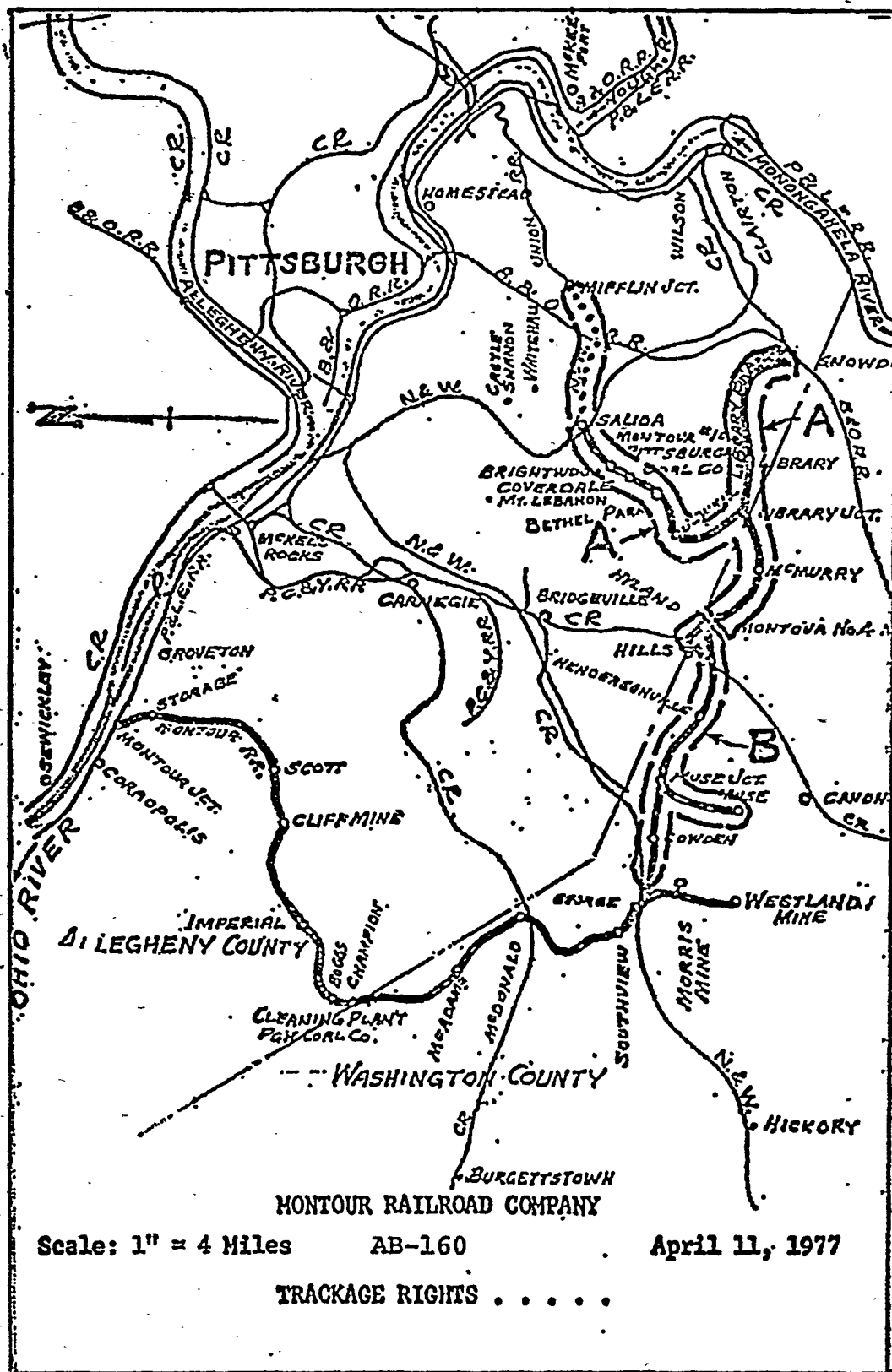
MONTOUR RAILROAD CO.**System Diagram Map**

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Montour Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB-160 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on May 2, 1977,

received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB-160 (SDM).

ROBERT L. OSWALD,
Secretary.



A—All lines or portions of lines which are anticipated to be the subject of an abandonment or discontinuance application to be filed within three years following April 30, 1977.

B—All lines or portions of lines potentially subject to abandonment which are under study and believed to be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs as compared to potential revenues.

C—All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission as of April 30, 1977.

D—All lines or portions of lines which are being operated under the Rail Services Continuation provisions of the Interstate Commerce Act or the Regional Rail Reorganization Act of 1973 as of April 30, 1977.

The lines of the Montour Railroad Company designated in Categories A, B, and C are described as follows:

A—Pennsylvania:

(a) Main Line and Library Secondary Track; (b) State of Pennsylvania; (c) Allegheny and Washington Counties; (d) Main Line Mile Post 31.5 to Mile Post 41.3; Trackage Rights Mile Post 41.3 to Mile Post 44.2; Library Branch Mile Post 0 to Mile Post 5.7 (End), and Mile Post 35.08 to Mile Post 44.77 (End); (e) No agency stations.

B—Pennsylvania:

(a) Main Line and Muse Secondary Track; (b) State of Pennsylvania; (c) Washington County; (d) Main Line Mile

Post 22.5 to Mile Post 31.5, Muse Spur Mile Post 0 to Mile Post 0.9; (e) No agency stations.

[FR Doc.77-13186 Filed 5-6-77;8:45 am]

[AB 165 (SDM)]

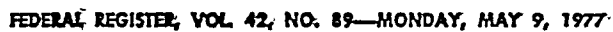
**MUNICIPALITY OF EAST TROY
RAILROAD**

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Municipality of East Troy Railroad, has filed with the Commission its color-coded system diagram map in docket No. AB 165 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 27, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 165 (SDM).

ROBERT L. OSWALD,
Secretary.



SECTION 1121.21—DESCRIPTION OF LINE

(a) Designation: Entire seven miles of track of the Municipality of East Troy Railroad is anticipated to be the subject of an abandonment or discontinuance application to be filed within the three-year period following the date upon which the diagram, or any amended diagram, is filed with the Commission.

(b) State line is located: Wisconsin.

(c) Counties: Walworth, Waukesha.

(d) Mileposts: 0-7.

[FR Doc.77-13189 Filed 5-6-77;8:45 am]

[AB 158 (SDM)]

**THE PITTSBURGH & LAKE ERIE
RAILROAD CO.**

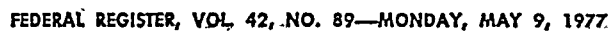
System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Pittsburgh & Lake

Erie Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 158 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 29, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the Office of the Commission, Section of Dockets, by requesting docket No. AB 158 (SDM).

ROBERT L. OSWALD,
Secretary.



A—All lines or portions of lines which are anticipated to be the subject of an abandonment or discontinuance application to be filed within three years following April 30, 1977.

B—All lines or portions of lines potentially subject to abandonment which are under study and believed to be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs as compared to potential revenues.

C—All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission as of April 30, 1977.

D—All lines or portions of lines which are being operated under the Rail Services Continuation provisions of the Interstate Commerce Act or the Regional Rail Reorganization Act of 1973 as of April 30, 1977.

The lines of The Pittsburgh and Lake Erie Railroad Company designated in Categories A, B, and C are described as follows:

A—Pennsylvania:

1. (a) Ellwood City Track (Ellwood City Branch); (b) State of Pennsylvania; (c) Beaver and Lawrence Counties; (d) Mile Post 1 to Mile Post 3.7 (End); (e) No agency stations.

2. (a) Mahoning State Line Track (Old Walford Branch); (b) State of Pennsylvania; (c) Lawrence County; (d) Mile Post 3.6 to Mile Post 7.8; (e) No agency stations.

B—Pennsylvania:

(a) Mahoning State Line Track (Old MSL RR); (b) States of Pennsylvania and Ohio; (c) Lawrence County, PA, and Mahoning County, OH; (d) Mile Post 0 to Mile Post 3.6; (e) No agency stations.

Ohio:

(a) Mahoning State Line Track (Old MSL RR); (b) States of Pennsylvania and Ohio; (c) Lawrence County, PA, and Mahoning County, OH; (d) Mile Post 0 to Mile Post 3.6; (e) No agency stations.

[FR Doc.77-13188 Filed 5-6-77;8:45 am]

[AB 162 (SDM)]

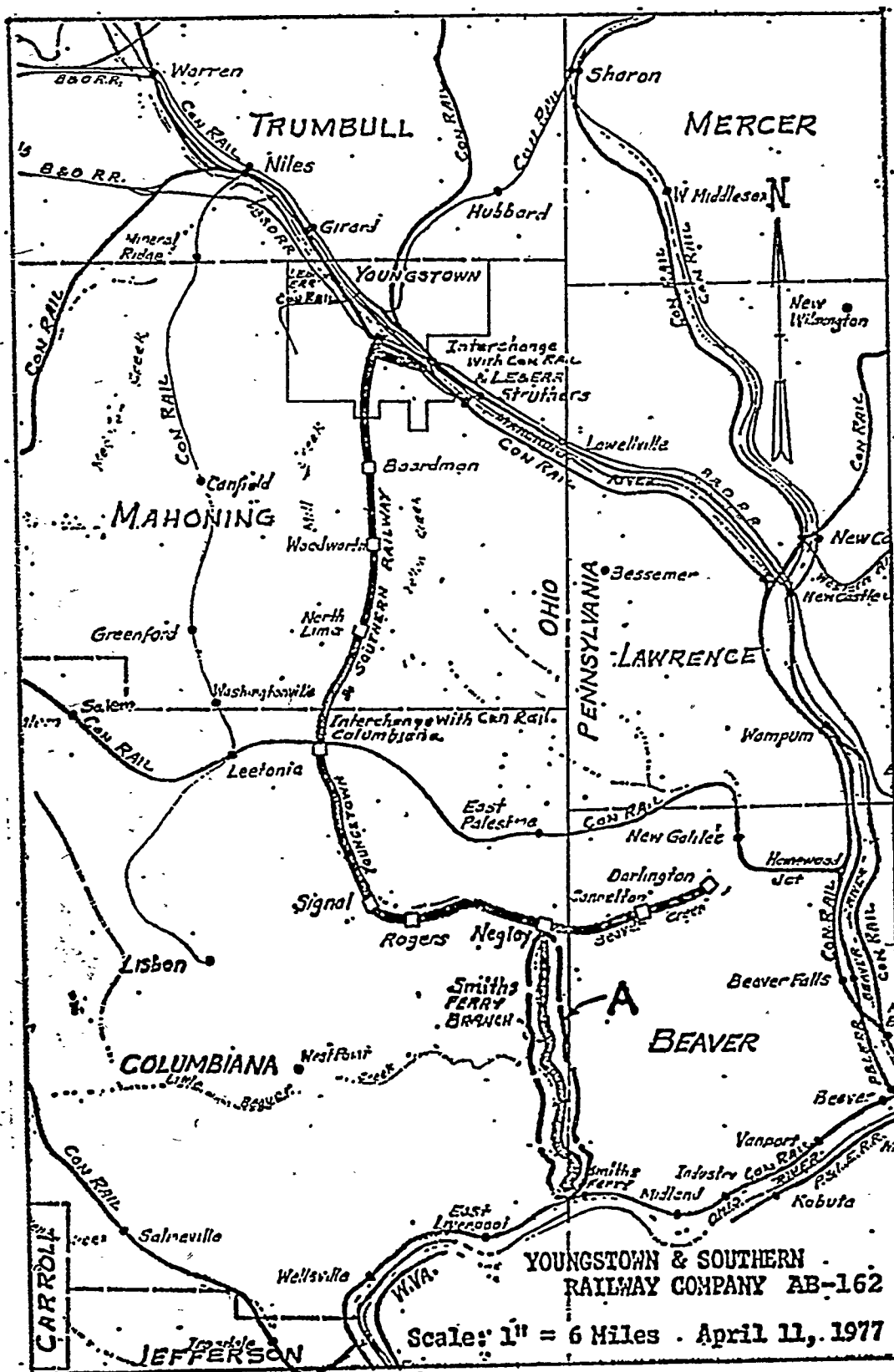
YOUNGSTOWN & SOUTHERN RAILWAY CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Youngstown & Southern Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 162 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on May 2, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 162 (SDM).

ROBERT L. OSWALD,
Secretary.



A—All lines or portions of lines which are anticipated to be the subject of an abandonment or discontinuance application to be filed within three years following April 30, 1977.

B—All lines or portions of lines potentially subject to abandonment which are under study and believed to be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs as compared to potential revenues.

C—All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission as of April 30, 1977.

D—All lines or portions of lines which are being operated under the Rail Services Continuation provisions of the Interstate Commerce Act or the Regional

Rail Reorganization Act of 1973 as of April 30, 1977.

The lines of the Youngstown & Southern Railway Company designated in Categories A, B and C are as follows:

A—Pennsylvania:

(a) Smiths Ferry Spur (Smiths Ferry Branch); (b) States of Pennsylvania and Ohio; (c) Beaver County, PA, and Columbiana County, OH; (d) Mile Post 0 to Mile Post 13 (End); (e) No agency stations.

Ohio:

(a) Smiths Ferry Spur (Smiths Ferry Branch); (b) States of Pennsylvania and Ohio; (c) Beaver County, PA, and Columbiana County, OH; (d) Mile Post 0 to Mile Post 13 (End); (e) No agency stations.

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